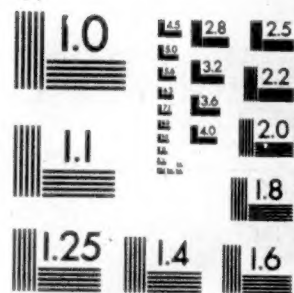
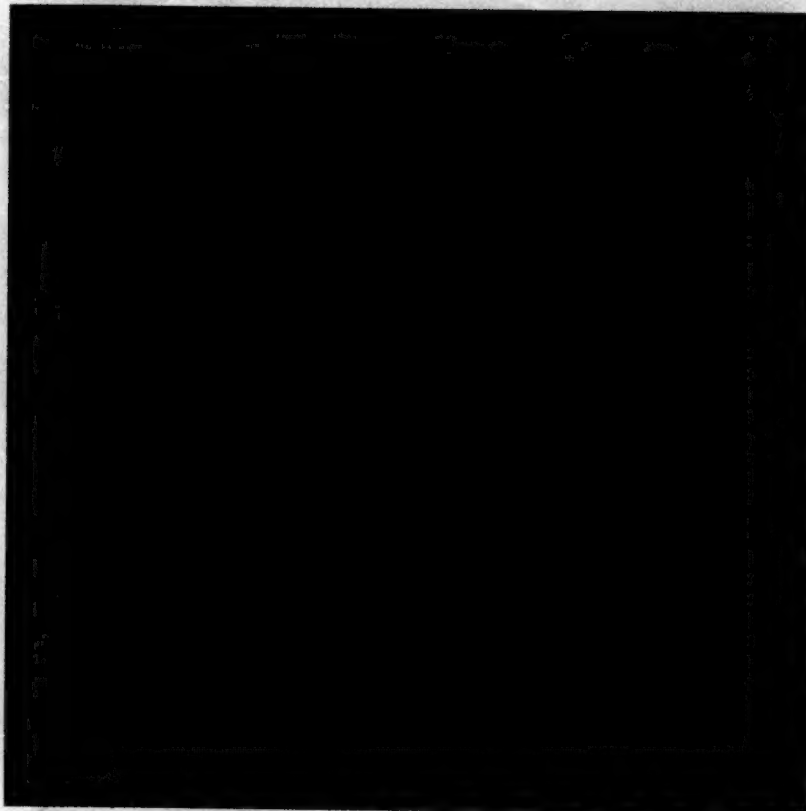
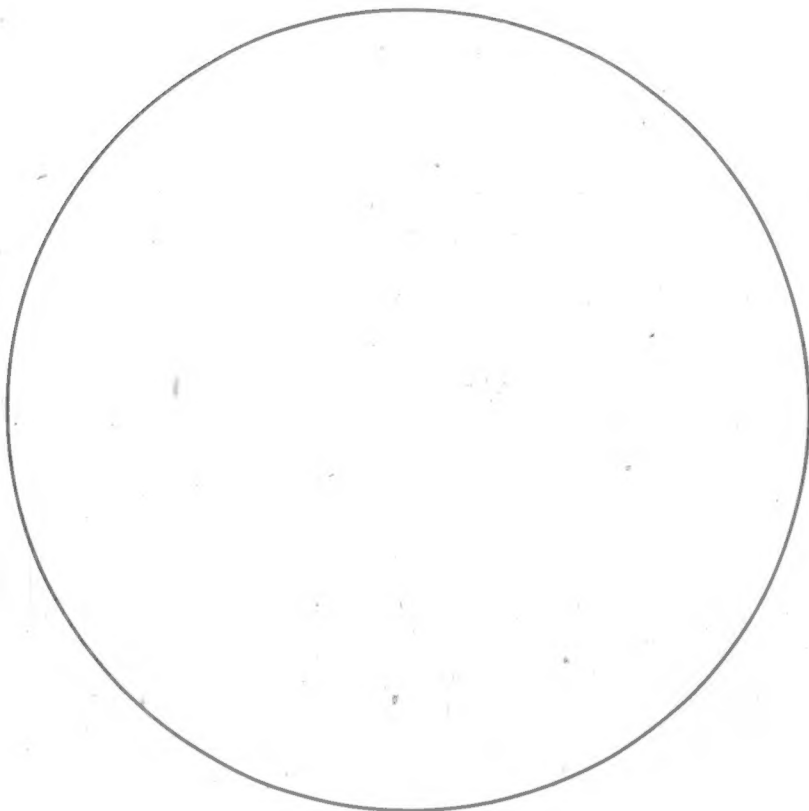
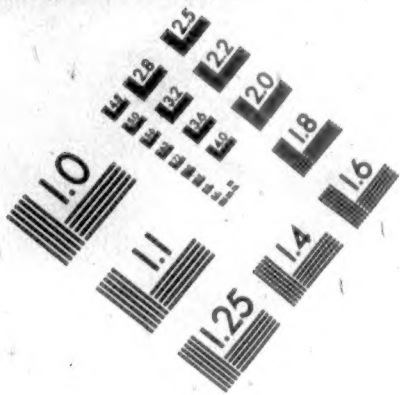
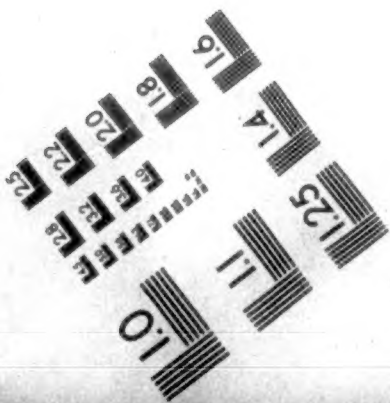
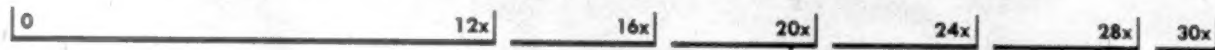




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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 298

CHEROKEE FREEDMEN 1510 - 1545

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
PAULINA HILL, ET AL.,
as Cherokee Freedmen.

CHEROKEE FREEDMEN D 33.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 9, 1901.

In the matter of the application of Paulina Hill for the enrollment of herself and one grandchild as Cherokee Freedmen.

Paulina Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Paulina Hill.

A How old are you? A I am about 42.

Q What is your post office address? A Vian.

Q What district do you live in? A Illinois.

Q Do you ~~wish~~ apply for enrollment as a Cherokee Freedman? A Yes, sir.

Q Did you ever apply to be enrolled by any other tribe or nation?

A No, sir.

Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A Yes, sir.

Q Is your name on the 1880 roll? A Yes, sir.

Q Who do you want to enroll besides yourself? A I have one grandchild.

Q What is its name? A Jesse Hill.

Q How old is he? A About 16.

Q Are you married? A Yes, sir.

Q What is your husband's name? A Charlie Hill.

Q Is he a citizen? A Yes, sir.

Q Where is he? A No, sir, he is not a citizen.

Q What was your father's name? A Jesse Foreman.

Q Is he living? A No, sir.

Q What is your mother's name? A Peggy Sheppard.

Q Is she living? A No, sir.

Q What was your name before you married Hill? A Sheppard.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.

Q Where were you born? A Here in the Cherokee Nation.

Q Were you a slave? A Yes, sir, when I was a child here.

Q What was your owner's name? A Joe Sheppard.

Q Where were you at the beginning of the war between the United States and the Confederacy? A I was here in the Nation until just before the Federals taken Fort Smith, and I was carried down south.

Q Where to? A Down south in the Choctaw Nation, and stayed there until the year of peace, and then came back to the Cherokee Nation.

Q Have you been living here ever since? A Yes, sir.

Q Why is your name not on the roll of 1880? A I don't know how come it isn't on there.

By W.W.Hastings, attorney for Cherokee Nation: Who did you come back here with after the war? A I came back here with Joe Sheppard, the man that carried me away.

Q He was your former owner? A Yes, sir.

Q Who else came along with you? A My family, there was two of my brothers.

Q What was their names? A Levi and one named George.

Q Sheppard? A Levi and George Sheppard.

Q Where did you come to? A I came here to the Nation.

Q What part, when you first came back? A Down here about Fort Smith.

Q How far from Fort Smith? A About a mile.

Q How long did you live at that place? A I don't know how long I lived there, I can't tell you.

Q About how many years? A I never paid any attention to how many years.

Q Who lived near you down there, when you left there? A Some

Cherokees by the name of Campbell, and Martin Bell, married a Cherokee by the name of King, and I was quite small and it aint no use to snatch me up and ask me about something when I was taken away.

Q How long did you live down there? A I told you I don't know.

Q Can't you say about how many years? A No, I aint going to say how many, for I don't know, I didn't come here to tell no lies and I don't expect to tell no lies about it.

Q Did you live with your ~~family down there~~ former owner down there? A Yes, sir, I lived with my former owners down there.

Q And came back with them? A That is what I did.

Q How long did you live with them after the war? A Two or three years.

Q Did ~~you~~ they have any children? A Yes, sir, they did.

Q What was their names? A Jack Sheppard, Mary Ellen Sheppard, and ~~Emma~~ Emma Sheppard.

Q Are any of them living? A Emma and Jack is alive.

Q Where are they living? A Down here at Vian.

Q Cherokees, are they? A Cherokees.

Q How old are they; older than you, or younger? A Jack is older than I ~~am~~, Emma is younger.

Q Where did you go to when you left Sequoyah district? A I came up here in Illinois district.

Q How long have you been in Illinois district? A I don't know how many years I have been here, I never kept count of the time.

Q Then you don't know what year you came ~~back~~ back here?

A I know I came back here the year after the surrender, the year that peace was declared; that is when Joe Sheppard brought us back, when he came out of the army he brought us back, the same year he got out of the army.

Q You don't know how long you have been down here about Vian?

A I haven't kept no count of it.

Q You don't know how long you lived in Sequoyah district? A I didn't keep my count of that.

Q You testified before in 1896 that you had been living down here in Vian about 4 years, didn't you? A I might have done it.

Q You testified before that you had been living in Sequoyah district some eight or nine years before you moved up to Vian? A I might have done that too.

Q Was that the truth? A I guess it was, if I said it it was the truth; I don't propose to tell no lie.

Q What kind of a house did you live in when you lived with Joe Sheppard just after peace? A It was a log house, that was what kind of a house it was.

Q A doubt log house? A Yes, sir.

Q Entry between? A That is what it was.

Q He is dead, is he? A Yes, sir.

Q How long did he live after the war? A I don't know.

Q You lived right by him? A I left him before he died.

The Kerns-Clifton pay-roll examined and the applicants identified thereon, page 134, No. 3324, Sequoyah district, as Plino Hill;

Jesse Hill on page 134, No. 3326, Sequoyah district, as Jess Hill.

Commissioner Needles: You have no proof here, except your own testimony, in regard to your citizenship? A I never heard any.

Q You have never been recognized as a citizen by the Cherokees, have you? A I don't know what else I have been, I didn't know as I have been disputed; if I was disputed it was never to my hearing.

Q Did you ever draw money more than once? A Twice.

Q When besides the last time; the last time was the strip pay-roll money wasn't it? A Yes, sir, and there was a little bread money

P.H. - 3.

Q You will have to bring other proof; your name is not on the roll of 1880 and not on the roll of 1896; we will be here for two weeks, and you will have to bring proof of your citizenship? A I don't see how come it, because I know I have enrolled my name; I went to Tahlequah and enrolled my name when Bushyhead was chief, reinstated my rights when I came back here.

Mr. Hastings: Who was chief when you came back to the Cherokee Nation after peace? A Dennis Bushyhead.

Q You know that? A That is what I know.

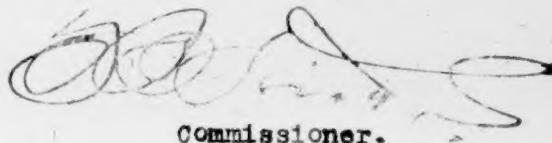
The Cherokee representatives state that Dennis Bushyhead was first elected chief in 1879.

Commissioner Needles: The name of Paulina Hill is not found upon the authenticated roll of 1880, or the census roll of 1896; neither is the name of her son Jesse found upon the census roll of 1896. Their names do appear upon the Kerns-Clifton pay-roll. Because of the unsatisfactory testimony as to her citizenship, and by reason of the fact that their names are not found upon the roll of 1880, final judgment as to her citizenship and that of her child will be suspended and their names placed upon a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.



Sworn to and subscribed before me this the 9th of April, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 9 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date APR 9 1901

Post Office Vian

District Illinois

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

(1) Name of wife Paulina Hill Age 42

Owners name Joe Sheppard

Year K.C. Page 134 No. 3324 District Sequoyah

Parents:

Father Jesse Foreman Citizenship Colored

Mother Peggie Sheppard Citizenship Colored

Names of Children:

3. Jesse Hill Year K.C. Page 134 No. 3326 Dist. Sequoyah 16

4. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by _____ No (1) Stenographer James P C

(1) on K.C. Roll as "Plina Hill"
(3) on K.C. Roll as "Jesse Hill"

S U P P L E M E N T A L T E S T I M O N Y .

F.-D.#33.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 24th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
PAULINE HILL as a Cherokee Freedman.

JACK SHEPPARD, being sworn and examined by Commissioner T. B.
Needles, testified as follows:

- Q What is your name? A Jack Sheppard.
Q What is your age? A 48.
Q What is your post office? A Vian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know Paulina Hill? A Yes, sir.
Q Was she a slave before the war? A Yes, sir.
Q To whom did she belong? A To my father.
Q Was she taken out of the Cherokee Nation during the war?
A Yes, sir, she went out south here and come back with me.
Q When did you come back? A I don't recollect what year it was.
Q Do you ~~re~~ recollect what year it was? A No, sir.
Q Did she come back with you? A She come back with my father.
Q You don't recollect whether you come back in 1866, '67 or '68?
A No, sir.
Q How long after the treaty of 1866 was made before you came back?
A I don't have a bit of idea about when it was we come back.
Q Well, how old were you when you came back do you recollect that?
A I don't recollect.
Q You know that this girl was a slave? A Yes, sir.
Q Went out south with you and come back with you? A Yes, sir.
Q Is your father living? A No, sir.
Q Well now, have you any idead about when you came back here?
A No, sir, I don't.
Q Do you know how long it was after the war closed? A No, sir,
I don't know that.
Q You don't know how long it was after the surrender? A No, sir.
Q You don't recollect how old you were when you come back?
A About ten or twelve years old; I don't know positive.
Q And you are 29 ears of age now? A 48.
Q And you must have been ten or twelve years old when you came
back? A Yes, sir.

BY J. S. DAVENPORT, Cherokee Representative:

- Q Is your sister, Emma, living, Mr. Sheppard? A Yes, sir.

--ooo000ooo--

J. O. Fosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Fosson

Subscribed and sworn to before me this 26th day of April, 1901.

T. B. Needles

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 25th, 1902.

In the matter of the application of Pauline Hill for the enrollment of herself and grandchild Jesse Hill as Cherokee Freedman.

Supplemental to F-D 33.

Appearances:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

PAULINE HILL, being duly sworn, testified as follows:--
Examination by the Commission.

- Q. What is your name? A. Pauline Hill.
Q. How old are you? A. I don't know how old I am.
Q. What is your post office address? A. Wian.
Q. Are you the grandmother of Kesse Hill? A. Yes, sir.
Q. Where was that boy born? A. Down close to Fort Smith.
I was living on a place of a man named Dr. Bell.
Q. What nation? A. Cherokee nation.
Q. Has this boy ever lived out of the Cherokee nation? A. No, sir.
Q. Never. What time I was away on a visit. I wouldn't be gone only a week.
Q. Have you made your home in the Cherokee nation continuously since the birth of this child A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of July, 1902.

Jesse O. Carr
W. W. Hastings
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 14, 1904.

SUPPLEMENTAL PROCEEDINGS HAD IN THE MATTER OF THE APPLICATION
FOR THE ENROLLMENT OF PAULINE HILL ET AL., AS CHEROKEE FREEDMEN.

It appears that on August 10, 1904, the applicant and the Attorney for the Cherokee Nation were duly notified by letter that each would be given an opportunity to appear before the Commission at its offices at Muskogee, Indian Territory, on September 16, 1904, and introduce testimony bearing upon the points mentioned in said letter, and by agreement of the parties concerned this cause was taken up on this September 14, 1904.

APPEARANCES:

Applicant appears in person and by attorney, J. Garfield Buell.

Cherokee Nation by its representative, W. W. Hastings.

PAULINE HILL, being first duly sworn, testified as follows:

BY MR. BUELL:

- Q What is your name? A Pauline Hill.
- Q What is your age? A I don't know I never knew just have to guess at it, I call myself of age my own woman about three year after the surrender, about '65 I guess.
- Q Where do you live? A Wian.
- Q How long have you lived there? A I don't know.
- Q For a good many years? A Yes sir, I was bred and born there at Webbers Falls.
- Q Do you make application for enrollment of any one besides yourself? A I want to get myself and grand-child Jesse.
- Q How old is Jesse? A About seventeen I think, I won't be positive, I never thought to have his age put down and bring here.
- Q He wasn't of age when you made application for him? A No sir he is a minor now.
- Q Who did you belong to before the war? A Joe Sheppard.
- Q Where did he live? A Sequoyah District.
- Q How far from Fort Smith? A About one and one-half miles.
- Q Or this side of the river? A Yes sir.
- Q What is his wife's name? A Nan Sheppard.
- Q What did you do during the war? A Nothing.
- Q Did you go outside of the nation? A He took us south.
- Q Who went south with you? A Myself and two brothers and a cousin.
- Q When did you come back to the Cherokee Nation? A Come back in the fall after the surrender, let me tell you to my knowing, he was in the army, Joe Sheppard was a soldier and he come home and told his wife that we could come home, we could come home peace was declared, then when he freed us, the next week we all come home.
- Q Have you lived in the Cherokee Nation ever since then? A Yes sir, I don't know nothing else but this place.
- Q What was your husband's name? A Charlie Hill.
- Q Was he a citizen? A No sir.

BY MR. DAVENPORT:

- Q Can you remember when the war broke out? A No sir.
- Q Where were you living when you first remember? A Webbers Falls.
- Q When was that? A I don't know whether the war was going on or not.
- Q You don't remember anything about the war do you? A No sir.
- Q Do you know anything about where Sheppard was during the war and where his family was living, when the war broke out of your own knowledge? A We lived near Webbers Falls.
- Q Do you, of your own knowledge, remember that? A I don't know anything about it we were down here at Sequoyah District.
- Q Can you remember leaving the Cherokee Nation during the war?
- A Yes sir we were living down here in Sequoyah District.
- Q Are you telling that from your own recollection? A Never told me.
- Q You don't mean to say that you remember when the war broke out, do you recollect it? A I don't know when it broke out.
- Q Do you recollect when Joe Sheppard went to the army? A He went to the army after we went south.
- Q He was south before the war began, wasn't he? A He couldn't have been.
- Q You can't remember it, he was keeping house there when you first remember, wasn't he? A Yes sir that is what I am telling you.
- Q You don't remember the year when you came back, do you? A When he come home from the army he said peace was declared and we would all go home and he come home.
- Q Do you remember what year it was when Joe Sheppard came back from the army? A No sir, I don't know what year it was.
- Q Do you remember what year it was that you say Joe Sheppard's family and you came back to the Cherokee Nation? A I don't know the year we didn't know anything about that.
- Q You remember what this year is don't you? A No sir, I don't keep it on my mind.
- Q Where does Jesse Hill live? A Right with me.
- Q How long has he lived with you? A Ever since he has been born.
- Q Where is his mother? A She is up here, I can't think of the name of the place.
- Q She never has lived in the Cherokee Nation? A Yes sir.
- Q When? A All the time until she married.
- Q That was how long ago, thirty or forty years? A Been a good while, I don't know.
- Q Don't you know what state she is living in? A The last time I got a letter from her, she was in Washington Territory.
- Q He was born up there, wasn't he? A No sir he was born down here in Sequoyah District.
- Q What is Jesse's mother name now? A Annie Dupre, she has been married three times.
- Q He takes his name after you, doesn't he? A Yes sir.
- Q That is not his real name is it? A Yes sir.
- Q Is his father's name Hill? A Yes sir.
- Q No kin to your husband? A His name is Hill.
- Q Where do you live now, Pauline? A Yian.
- Q How long have you been living there? A I don't know how many years.
- Q More than one? A Yes sir.
- Q About how many years? A I just couldn't tell you.
- Q How long did you live in Fort Smith? A I didn't say we lived there.
- Q How long did you live there? A I guess I hired out, I worked there for about-----
- Q Ten years? A No sir, no years in it.

Q You have been working at Fort Smith for the last eight or ten years, haven't you?

Mr. Duell: We object to that.

Commissioner: Objection noted. Witness will answer.

A No sir.

Q Did Joe Sheppard ever come back to the Cherokee Nation after the war? A Yes sir he did here his wife to.

Q Where did he die? A He died down there on his old place.

Q Where was that? A In between the two big lakes in Sequoyah District in about a mile and a half of Fort Smith.

BY THE COMMISSIONER:

Q Where did you say you was living when you can first remember?

A Down here in Sequoyah District.

Q Was Joe Sheppard living there then? A Yes sir.

Q Did he have any children? A Yes sir.

Q What were there names? A Jack Sheppard, Mary Ellen Sheppard, Emma Sheppard, and ----- Sheppard.

Q Did he own a good many slaves, several besides you? A Yes sir.

Q Did he join the army while he lived in Sequoyah? A When we left Sequoyah we moved over on the mountains the other side of the river and we left and went south, and after he went south he went to the army.

Q Where do you mean by south, down in the Choctaw Nation or in Texas? A Next to Texas.

Q On this side of the Red River? A Yes sir on a big creek called Blue.

Q He went to the army then while you were on Blue? A Yes sir.

Q And you stayed there all the time until he came back to the army? A Yes sir.

Q What army was he in, north or south? A I don't know, he didn't tell us and I don't know.

Q He came home from the army and told you, you would all go up in the Choctaw nation? A He said we would all go home.

Q Cherokee nation? A Yes sir.

Q And you came with him? A Yes sir.

Q Who else? A I don't know who all were along, but I can tell you all us in the family.

Q Any other Cherokees besides Joe Sheppard? A Yes sir.

Q In your party? A I can't recollect all of them.

Q Give us some besides Joe Sheppard? A One of the Penges.

Q You came where in the Cherokee Nation? A Choctaw Nation and stopped on a place near Iron Bridge.

Q Then where? A He turned us lose and we come back on this side of the river.

Q What river? A We crossed the river down here at Fort Smith and come over in Sequoyah District, and I settled there and lived with Aaron Johnson.

Q Was Aaron Johnson living there in Sequoyah? A Yes sir.

Q What was Aaron Johnson, a freedman? A Yes sir.

Q Was Aaron Johnson a freedman, colored man? A Yes sir, he was a colored man.

Q How long did you live in Sequoyah then? A I stayed there as near as I can come at it about two years, and then my father sent my brother after me.

Q Then where did you go? A Come down to Sand Town bottom below Vian.

Q When were you married the first time? A I couldn't tell you when

Q How long after the surrender? A A good while, I expect three or four years.

- Q Where was you married? A Married a state man and we went to Fort Smith, married in Fort Smith.
- Q When do you think that was, how many years after the surrender?
- A I don't know.
- Q As much as four or five years after you came back from the Choctaw Nation? A I had been here, I don't know how long before I married.
- Q Have you got any brothers and sisters? A Yes sir.
- Q What is your brothers name? A Eli Sheppard.
- Q Where does he live? A At Vian.
- Q Who else? A Cate Vann.
- Q Who else? A Jess Foreman, Aaron Foreman and wesley Foreman.
- Q Did any of these brothers come back with you from the Choctaw Nation? A No sir, none of them.
- Q Were they down there with you during the war? A No sir, the brothers that were with me are dead, only one brother and one cousin is down here at Gibson.
- Q Give us the name of that cousin? A Morris Sheppard. (C. 7. 254).
- Q Morris came back from down there with you? A Yes sir.
- Q Have you ever had Morris in here to testify for you? A No sir.
- Q This grand-son Jess, is his mother the oldest child you have got? A Yes sir.
- Q Where was she born? A Choctaw Nation.
- Q When? A I couldn't tell you when.

BY RUELL:

- Q During the war? A Since the war, she is free born.

BY THE COMMISSION:

- Q Were you living in the Choctaw Nation when this child was born?
- A I just went over there on a visit.
- Q Where were you living, where was your home at the time it was born? A Here in Sequoyah District.
- Q You was just visiting there? A Yes sir.
- Q That was a bad time for you to visit, wasn't it? A No it was not, folks run about you know.
- Q Where was your husband then? A He was away in the Chickasaw Nation.

BY MR. DAVENPORT:

- Q Your husband never did live in the Chickasaw Nation, did he?
- A Not while I had him.

BY MR. RUELL:

- Q Does Jesse Hill live with you down in Gard Town bottom? A Yes sir.
- Q Are these brothers of yours all recognized as freedmen, are all of them on the freedmen roll? A All except Eli Sheppard, he would not have nothing to do with it.

ANDY CROSSLAND, being first duly sworn, testified as follows:

BY MR. RUELL:

- Q What is your name? A Andy Crossland.
- Q How old are you Uncle? A About 76.
- Q Where do you live? A In Illinois District, Cherokee Nation.
- Q How long have you known Pauline Hill? A I knowed her way before the war.
- Q Who did you belong to? A Joe Sheppard.

- Q was that the same master Pauline Hill had, who did she belong to?
A Joe sheppard.
- Q Who did you belong to? A John Sheppard.
- Q was he any relation to Joe sheppard? A Yes sir he is a brother-in-law of Joe Sheppard's.
- Q where were you during the war? A I was a soldier.
- Q Where were you? A Cherokee army.
- Q When did you first see Paulina after the war? A I recollect ----
- Q When was it, after the surrender? A About a year.
- Q A year after the surrender? A Yes sir.
- Q Where was she then? A On this side of the river, this side of Fort Smith.
- Q Who was she living with? A Joe Sheppard, she had just come back.
- Q How did you happen to be down there? A I had a wife that I was going after.
- Q How long has Paulina been down at Vian? A About fifteen years or somewheres along there.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- BY MR. DAVENPORT:
- Q Uncle Andy you was mustered out of the service in what year? A I couldn't tell you what year.
- Q How large was Pauline when you knew her before the war? A About twelve years old, just a gal.
- Q Where was she living before the war broke out? A Living on this side of Fort Smith.
- Q With whom? A Joe sheppard.
- Q Where did you live from where Joe Sheppard lived? A I lived about ten miles from him.
- Q Did you live in Sequoyah District too? A Yes sir.
- Q Do you know what became of Pauline when the war broke out of your own knowledge? A No I couldn't tell that is the last time I seen her, and the next time was in Sand Town.
- Q You never saw her for several years after the war? A Yes sir.
- Q You say she has been in Sand Town for about fifteen years? A Yes sir.
- Q And the first time you saw her was in Sand Town after the war?
A No sir.
- Q Didn't you say that just now? A No sir the first time I saw her was this side of Fort Smith.
- Q Is Sand Town this side of Fort Smith? A Yes sir this side of Fort Smith.
- Q Don't you know Pauline married a fellow by the name of Hill and lived in the Choctaw and Chickasaw Nations until the oldest child was born?
Mr. Puell: we object to that.
Commission: Objection noted, witness will answer.
- Q I don't know where he married her, the first time I seen her at Sand Town she had a man.
- Q Don't you know Hill never lived in the Cherokee Nation? A That is the first time I seen her.
- Q Did her first husband, after the war, ever live in the Cherokee Nation after the war to your knowledge? A That is Hill.
- Q Did he ever live in the Cherokee Nation? A No sir not Hill.
- Q Didn't she live with him until after they had a girl and until she was nearly grown? A I don't know nothing about that living with him.
- Q You know she was not in the Cherokee nation in 1880, don't you?
A I couldn't tell you.
- Q Can't you tell me the year you saw her in the Cherokee nation?
A I couldn't tell you what year I first saw her.
- Q You don't know what year it was? A No sir.

- Q You know though, that she did marry a man who has always lived in the Chickasaw and Choctaw Nations?
Mr. Ruell: We object to that.
Commission: Objection noted.
- A I couldn't tell you where he lived.
- Q You knew she married? A Yes sir.
- Q Did you ever see Hill, who claimed to be her husband? A Yes sir.
- Q You know he never lived in the Cherokee Nation, don't you? A The first time I seen him he was in the Cherokee nation.
- Q Was Hill living in the Cherokee Nation the first time you saw him? A Yes sir, the first time I seen him.
- Q But are you talking about living in the Cherokee nation? A Hill you are talking about, and that is what I was talking about.
- Q Have you ever been to Paulina's home in the Cherokee nation?
A Yes sir.
- Q How long ago was that? A About fifteen years ago.
- Q That is the first time you ever knew of her having a home in the Cherokee Nation? A After the war I seen her in the nation.
- Q Did you ever know of her having a home anywhere else in the Cherokee nation until you saw her in Sand Town about fifteen years ago? A I told you the first time I seen him was in Sand Town, the first time I seen her was this side of Fort Smith, that is the way I understand it, I don't want to tell what I don't know.
- Q
BY THE COMMISSION:
- Q The first time you saw the applicant here after the war after you came back from the army, where did you see her? A I saw her this side of Fort Smith.
- Q On this side of the river? A Yes sir.
- Q In the Cherokee nation? A Yes sir where his master lived.
- Q Then when did you see her next? A In Sand Town.
- Q About how many years ago? A I expect about fifteen years ago.
- Q Was she keeping house at Sand Town? A Yes sir she had a man then.
- Q The time you saw her this side of Fort Smith, did she have a man then? A No sir.
- Q Was she living with Joe Sheppard then? A Yes sir she got with Joe Sheppard when she come back.
- Q Did you see Joe Sheppard? A Yes sir I talked with him.
- Q After the war? A Yes sir.
- Q Down in Sequoyah District? A Yes sir.
- Q Paulina Hill was with him? A Yes sir.
- Q You don't know what year that was? A No sir I couldn't tell you.
- Q How long do you think it was after you came back from the army?
A I don't know, about a year after the war.
- Q How many times did you see that man Hill, the husband of Pauline Hill? A That was the first time I see him was in Sand Town.
- Q Do you know where Hill has lived, the husband of Paulina? A Yes sir.
- Q Where has he lived to your knowledge? A He was living in Sand Town.
- Q Does he live there now? A No sir.
- Q You don't know where he lives? A No sir.
- Q Did you ever see him more than once? A I aint seen him since three or four years ago
- Q You don't know then whether he has lived in the Choctaw and Chickasaw nations all his life or not? A No sir, I don't know.

- Q You didn't see her any more from the time you saw her shortly after you came back, as you claim, until about fifteen years ago at Sand Town? A Yes sir.
- Q You don't know where she lived during that time? A No sir.
- Q Don't know whether she lived in the Choctaw and Chickasaw Nations or not? A No sir.
- Q You just didn't see her? A No sir.
- Q Do you know when her children was born? A No sir, couldn't tell you, she has got two.

BY MR. DAVENPORT:

- Q You say when you saw her after the war you were going after your wife? A Yes sir.
- Q Where was your wife living? A Just fetching her back up there from Texas, my wife stopped at Fort Smith.
- Q Where had you started from to get your wife? A From Sand Town.
- Q Your wife wrote you to come after her? A Yes sir.
- Q At what post office did you receive your mail? A Vian.
- Q The first time you saw this applicant, Pauline Hill, you had received a letter from your wife and had received it at Vian asking you to come after her? A Yes sir.
- Q And you hadn't seen her until you received this letter from the post office at Vian, Indian Territory? A Yes sir.

BY MR. WELLS:

- Q Did you receive this letter from the post office or did a man bring it to you? A Yes sir.
- Q Did a man bring it to you? A Yes sir, a man went to Fort Smith, and my wife wrote to me and he give it to me.
- Q And he brought it to you? A Yes sir.

BY MR. DAVENPORT:

- Q Why did you answer me that you got it at Vian post office? A They never had a post office at that time.

BY THE COMMISSION:

- Q How long was it after you came back from the army was it until you got this letter? A I stopped there about a year at Sand Town, at Vian.
- Q You stopped about a year at Vian? A At Sand Town.
- Q And your wife wrote you a letter to come after her? A Yes sir.
- Q Where did you get that letter? A A man came and give it to me.
- Q Where was the letter directed to you, was it directed to you at any particular post office? A No sir, he went to Fort Smith and seen my wife and she wrote to me and give it to him.
- Q Where did he see your wife? A At Fort Smith.
- Q Was the letter from your wife, or some other party? A My wife.
- Q Did she sign the letter? A Yes sir.
- Q And then have it to this other party? A Gave it to Jack Brown.
- Q Didn't she mail it to you at Vian? A No sir, didn't have none there at that time, no post office, didn't have no post office then after the war.

This was all the testimony submitted in this case on this date.

H. W. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above and foregoing cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13 day of December, 1904.

Charles H. Jackson
Notary Public

Minakoga Indian Territory, La. 1904

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED

TRINIS one copy of the testimony in La. 33

James J. [unclear]

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W. [unclear]
Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 20, 1905.

In the matter of the application for the enrollment of
Paulina Hill et al. as Cherokee Freedmen.

Cato Vann, being duly sworn, testified as follows on
behalf of the applicant:

- Q. What is your name? A. Cato Vann.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. Do you know Paulina Hill? A. Yes sir.
Q. How long have you known her? A. A number of years. I knew
her before the war.
Q. What is your post office address? A. Sand Town.
Q. Are you related to Paulina Hill? A. Yes sir.
Q. What relation are you? A. She is my half sister.
Q. Did you have the same mother or same father? A. Same father.
Q. What was his name? A. Jess Foreman.
Q. Is Paulina older than you? A. Yes sir.
Q. How old are you? A. I don't know exactly how old I am.
Q. About how old? A. About 48 or 49.
Q. How much older than you is your sister? A. I don't know, I
expect about a year or two.
Q. Was she a slave? A. Yes sir.
Q. To whom did she belong? A. Sheppard.
Q. Was he a Cherokee? A. Yes sir.
Q. Was your sister taken out of the Cherokee Nation during the war?
A. She went south. I think she did. I belonged to the Vanns
and she didn't go with us.
Q. She was taken south during the war? A. Yes sir.
Q. Do you know Jesse Hill? A. Yes sir.
Q. What relation is he to Paulina Hill? A. Her grandchild.
Q. What was the mother of Jesse Hill called? A. Anna Hill.
Q. Do you know where she was born? A. Not exactly.
Q. Was she born in the Cherokee Nation? A. I think so. I think
she was born in Sequoyah District.
Q. I am talking about Anna? Well, when Paulina come up from
Sequoyah District she had a little girl. I couldn't say just
where she was born.
Q. Do you know whether Anna has lived in the Cherokee Nation all
her life? A. All except here a few years ago. About a lit
tle over a year ago she went off with a woman that she was
nursing for.
Q. Do you know where Jesse was born? A. Down there in the bottom
at my father's house.
Q. When was he born? A. I don't know the year.
Q. Where has that child been living ever since? A. Right there
in the bottom ever since.

- Q. In the Cherokee Nation? A. Yes sir.
Q. Who raised this child? A. Its grandmother.
Q. Do you state now, of your own knowledge, that Jesse has always lived in the Cherokee Nation? A. Yes sir.
Q. Jesse is a boy, is he not? A. Yes sir.
Q. Do you know anything at all as to when Paulina came back from the south? A. No sir, I don't.
Q. How soon after the war until you saw her? A. I never got to see her till about a year or two after the war.
Q. Where did you see her at that time? A. This side of Fort Gibson.
Q. Where has she been living since then? A. She has married, and lives up there by us.
Q. Since a year or two after the war do you know of your own knowledge that Paulina has always lived in the Cherokee Nation? A. Since a year or two after the war?
Q. Yes? A. I couldn't say.
Q. Do you know whether she has been living outside anywhere? A. I couldn't say that she has.
Q. What about her daughter, Anna? A. She is just at first one place and then another.
Q. What is her business? A. Working, cooking, nursing.

MR. HASTINGS:

- Q. How old is Jesse Hill? A. I think he is about 15 or 16 years old.
Q. Is his mother living? A. Yes sir.
Q. Where is she? A. Up in Kansas.
Q. Jesse's mother? A. Yes sir.
Q. How long has she been gone? A. About a year or so.
Q. You are not certain just how long it was after the war that you saw Paulina? A. No sir.
Q. How old was Anna when you saw her? A. I couldn't tell you.
Q. Was Anna born before or after the war? A. After the war.
Q. How old was Anna the first time you saw her, after the war? A. About 3 or 4 years old I guess.
Q. If she was that old, and you had not seen her before that since the war, it must have been 4 or 5 years after the war before you saw Paulina, don't you think? A. I am not willing to swear on that point.
Q. But you know that Anna was 4 or 5 years old? A. Yes sir.
Q. And it wasn't till then that you saw Paulina? A. No sir.
Q. Anna wasn't a slave? A. No sir.
Q. You think Jesse was born at your father's house? A. Yes sir.
Q. And Jesse is Anna's child? A. Yes sir.

COMMISSION:

- Q. Do you remember Anna Hill marrying anybody? A. Yes sir, she married a man, but I couldn't call his name.
Q. Was it Charley Hill? A. No sir, that was Paulina's husband.
Q. Anna is married? A. Yes sir.
Q. You don't know her husband's name? A. No sir, she has married since she left home.
Q. Was Anna married when this child was born? A. I think not.

WITNESS EXCUSED.

Paulina Hill, being duly sworn, testified as follows:

COMMISSION:

- Q. Jesse Hill is your grandchild? A. Yes sir.
- Q. Who is the mother of Jesse? A. My daughter, Anna.
- Q. When did Anna leave your home? A. She has been gone from home something over a year.
- Q. Was Anna living in the Cherokee Nation when this child was born? A. Yes sir.
- Q. Who was the father of Jesse? A. I couldn't swear.
- Q. Do you know? A. I couldn't swear.
- Q. Was he a state man? A. Yes sir.
- Q. He wasn't a Freedman? A. No sir. He was a state man.
- Q. Has this child always lived with you? A. Yes sir.
- Q. About how old is Jesse now? A. He is about 17 years old now.
- Q. How old is Anna? A. I couldn't tell you.
- Q. Was she born after the war? A. Yes sir.
- Q. She must have been pretty young when this boy was born? A. She was.
- Q. Where was Anna living at the time of the birth of this child? A. With me.
- Q. How long had she been living with you at that time? A. She stayed there 3 or 4 years-- till she married. She wasn't quite 16 years old when this child was born.
- Q. Did Anna live with you from the time of her birth until the birth of Jesse? A. Yes sir.
- Q. Did she ever go out of the Cherokee Nation during that time? A. No sir.
- Q. And this child has been living with you ever since he was born? A. Yes sir.
- Q. When did Anna leave the Nation? A. She never did leave the Nation till she went to Kansas City something over a year ago.
- Q. Who did she marry? A. She has married since she left this last time.
- Q. How many times has she been married? A. Three times.
- Q. What was the name of her first husband? A. John Allen.
- Q. What was the name of the next one? A. James Johnson.
- Q. What was the name of the next one? A. A man by the name of Dupree.
- Q. Where did she and John Allen live? A. At Fort Smith.
- Q. Where did she live with James Johnson? A. They stayed with me awhile and went to Little Rock to her aunts and stayed about three months and then come back to me, and then they had a little racket and busted up.
- Q. Do you know why she has never made application for herself? A. No sir. I have always come for her.
- Q. Is it not a fact that it was because she was living out of the Nation? A. No sir, she has never lived out of the Nation..

WITNESS EXCUS ED.

CASE SUBMITTED.

Eula Jeanes Branson, being duly sworn, states that she correctly reported the proceedings had in this cause on the 20th. of April, and that the above and foregoing is a full and complete record of said proceedings.

Eula Jeanes Branson

Subscribed and sworn to before me this the 22nd. day of April, 1905.

Thurston White
Notary Public.

Statement by Paulina Hill.

- Q. Did you ever employ an attorney by the name of Buel to represent your interests? A. Not as I knows of.
- Q. Dont you know whether you ever had a lawyer or not? A. No sir, I ain't had no lawyer. When they asked me about it I told them I didn't need no lawyer but the Commissioners.
- Q. When were you here before? A. It was last year sometime.
- Q. Didn't you bring a man with you that just had one arm? A. He brought us up here, but I never gave him no case. He wanted the case so bad that he said he would look after it for me. I live up on the mountain and my sister Mariah Loo lives down at the foot of the mountain, and one day I went to town, and as I come back by sister Mariah Loo's there was a man there, and sister Mariah Loo said he wanted to take my citizenship case. I told sister Mariah Loo that I didn't need no lawyer; that the Commissioners were all the lawyers I needed; and that I was a poor widow woman that didn't have no money and no way of digg digging it up, but he wanted the case so bad that he said he would look after it anyway.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., FEBRUARY 12, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PAULINA HILL ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicant, No Appearance.
For Cherokee Nation, James M. Keys.

MORRIS SHEPPARD, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Morris Sheppard.
Q How old are you? A I am about 48 years old.
Q What is your post office? A Fort Gibson.
Q Are you a Cherokee freedman? A Yes sir.
Q Do you know Paulina Hill who is an applicant for enrollment as a Cherokee freedman? A Yes sir, I know the lady.
Q What is the name of her father? A Jesse Foreman.
Q And her mother? A Peggie Sheppard.
Q Are they both dead? A Both dead.
Q Do you know whether Paulina Hill was the slave of a Cherokee?
A Yes sir, she was a slave.
Q What was the name of her owner? A Joe Sheppard.
Q He is dead? A Yes sir.
Q Was he a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know whether Paulina Hill left the Cherokee Nation during the war? A Went down in the Choctaw Nation.
Q Was that during the war she went down there? A Yes sir.
Q Do you know about her return to the Cherokee Nation after the war? A Not the regular date but we returned in November.
Q Did she return at the same time you did? A Yes sir, our owners fetched us back, that was Joe Sheppard.
Q He was also your owner? A Yes sir, I belong to him.
Q What year was it you came back? A I couldn't swear positively but we come back before that six months limit was out, we landed in November.
Q Did Jesse Foreman and Peggie Sheppard come back the same time Paulina Hill did, or were they dead? A Peggie Sheppard was sold and Jesse Foreman died a few years afterwards at Webbers Falls.
Q Did Jesse Foreman return at the same time his daughter Paulina Hill did? A He didn't go south at all.
Q Who else was in the party that you returned with and Paulina Hill returned with? A Joe Sheppard fetched us back.
Q Well who else came back with the crowd that you came in? A Will Sheppard.
Q Was he a Cherokee? A Yes sir.
Q What relation was he to Joe Sheppard? A Joe Sheppard was his uncle.
Q Was there anybody else? A Tuck Sheppard.
Q What relation was he to Joe? A Joe was his uncle.
Q Any others? A A fellow named Gus Sheppard, Will Sheppard's brother.

- Q Any others?--A That is all I can remember.
- Q Were there any other Cherokee freedmen? A Billy Sheppard, this girl's brother, and Levi Sheppard, this girl's brother. Joe Sheppard only carried four south in the Choctaw Nation and he fetched us four back, and said children you are free as I am.
- Q Were they you, Paulina Hill, Billy and Levi Sheppard the four slaves he took south? A Yes sir.
- Q Did they all come back at the same time? A Yes sir.
- Q Is Billy Sheppard living now? A No sir.
- Q How about Levi? A Dead too.
- Q How long has he been dead? A I don't know sir how long he has been dead, he is dead.
- Q After Paulina Hill returned to the Cherokee Nation after the war at the same time you did, as you state, do you know whether she left the Cherokee Nation again? A No sir, I doesn't know, but I don't think she left it.
- Q What relation is she to you? A First cousin, brother and sister's children.
- Q Now if she testified in her case at the time she first made application for enrollment as a Cherokee freedman that she returned to the Cherokee Nation when Bushyhead was Chief, are you prepared to state that that is not true? A Yes sir, she didn't come ~~with~~ with Bushyhead, Joe Sheppard brought her back.
- Q I mean if she testified that she returned to the Cherokee Nation at the time Bushyhead was Chief, are you prepared to state that that is not true? A Yes sir, that is not so, Joe Sheppard fetched me and her both back.
- Q Paulina Hill came back to the Cherokee Nation at the same time you did? A Yes sir.
- Q Was Paulina Hill a slave of Joe Sheppard at the time the war broke out? A Yes sir, and before.

BY MR. KEYS:

- Q What place did you first return from the south, to what place in the Cherokee Nation? A I was quite a boy, but if my memory serves me right we crossed near Scullyville and came over into the Cherokee Nation and come over to Webbers Falls.
- Q Well did you continue to live with Joe Sheppard after he came back? A Yes sir.
- Q For about how long? A We stayed with Joe about a year or two years, Joe you know come home and was blind about 3 or 4 years before he died.
- Q Where did he settle in the Cherokee Nation after he come from the south? A He settled at his old place down there 9 miles of Fort Smith.
- Q Do you remember some of your neighbors at that time that are living now? Some one that lived a near neighbor to you when you were a boy and when you returned? A Mt. Hoolie Bell was our neighbor. There is Mr. Franklin.
- Q I mean when you come back from the south as a boy? Now I want to know who some of your neighbors were where Sheppard first settled? A The Blackburns, Crockets, Sullivans.
- Q And you returned to a point about 9 miles from Fort Smith? A Yes sir, we returned to his old place.
- Q Which is the older, you or Paulina? A Paulina.
- Q At the time you left Sheppard did she remain with him? Who left Sheppard first? A Levi.
- Q You or Paulina, which left Joe Sheppard first? A We didn't leave him.
- Q You remained with him two or three years? A We remained with him about two years.
- Q Which did leave him first when you did leave him? A Paulina.

- Q Where did she go? A Down further from where we lived with some colored folks.
- Q Then where did you go? A I stayed there and she sent us to go hunt our mother and father, but they killed my father before the war and Joe Sheppard sold my mother when he sold this girl's mother
- Q Well then after Paulina went away how long was it before you saw her again? A It was several years Mr. Keys, I couldn't state how long it was.
- Q Do you know where she was living all those years? A No sir, I don't know, she was living down in that part of the country, I couldn't say where she was living. My uncle come and got me and I have been here ever since.
- Q Then after Paulina went away how long was it before you saw her again? A It was several years.
- Q Was she grown? A Yes sir.
- Q Really you don't know much about her from the time you left Joe Sheppard's there about two years from the time you came back from the south, you don't know much about her from what you say, you come off up here and left her down there? A Yes sir, but I knowed her from a child.
- Q But you didn't see her? A Yes sir, she was one place and me another. I knowed her mother and father.
- Q I believe you state that Sheppard taken you and her together to the Choctaw Nation and brought you back? A Yes sir, that is a fact.
- Q Were there any other colored people came back with the crowd that you and Paulina came back with? A No sir, just us four children, Paulina, Billy, Levi Sheppard and myself.

ON BEHALF OF THE COMMISSIONER:

- Q Has Paulina Hill got any children? A She has one or two.
- Q Do you know their names? A No sir, I don't.
- Q Do you know whether she has a grand child living with her at the present time? A No sir, I don't, but she has a grand child.
- Q Do you know its name? A No sir.
- Q Is it a boy or girl? A It is a boy.
- Q Do you know who its mother is? A It is her daughter but what her name is I couldn't tell you, she is a yellow woman.

WITNESSES EXCUSED.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 16th day of February, 1906.

Myron White

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
VIAN, I. T., FEBRUARY 13, 1906.

SUPPLEMENTAL PROCEEDING had in the matter of the application for the enrollment of PAULINA HILL ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicant, In person.

For Cherokee Nation, J. S. Davenport.

PAULINA HILL, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Paulina Hill.
- Q How old are you? A I don't know sir, when I growed up they never allowed children to know nothing.
- Q Are you about 45 or 46? A I may be somewhere about there, I was born before the war.
- Q What is your post office? A Vian.
- Q You are an applicant for enrollment as a Cherokee freedman, are you? A Yes sir.
- Q Your father was named Jesse Foreman? A Yes sir.
- Q Your mother Peggie Sheppard? A Yes sir.
- Q They are both dead? A Yes sir.
- Q What was the name of your owner before the war? A Joe Sheppard.
- Q Did Joe own you at the breaking out of the war? A Yes sir.
- Q Was he a citizen by blood of the Cherokee nation? A Yes sir.
- Q You left the Cherokee nation during the war did you? A I went off with them, they called it south and taken us with them.
- Q Did you go with your master? A Yes sir.
- Q With whom did you return to the Cherokee nation after the war, who did you come back with? A With Joe Sheppard.
- Q That was your owner? A Yes sir.
- Q Was there any one else in the party that came back when you did? A
- A There was a whole lot of us, lots of wagons come along but I don't know who they were, but I think one of them was, if I aint mistaken was a Renge.
- Q Do you remember any of the others? A I can't remember the names of all of them, you see after we got off a good piece from where we lived in the Choctaw nation some went one way and some another.
- Q Was that when you were coming back? A Yes sir, that was when we were coming home.
- Q Were there any colored people in the party that came back at the time you did? A Only four of us, three boys and myself.
- Q Name the boys? A Morris Sheppard, Levi Sheppard, and George Sheppard, George died there and I don't know what became of Levi.
- Q Did Billy Sheppard come at that time? A That was George.
- Q What relation is Morris, Levi and George to you? A We were sister's and brothers' children, Morris was our first cousin.
- Q Were your mother and Morris Sheppard's father brother and sister? A Yes sir.
- Q Morris Sheppard returned the time you did? A Yes sir.
- Q What year was it when you came back? A I don't know sir.
- Q You were too young to remember? A I don't recollect a thing about the years.
- Q Is Levi Sheppard living? A I don't know whether he is or not, I haven't seen him for years.

- Q When you first applied for enrollment as a Cherokee freedman you testified you came back to the Cherokee Nation when Bushyhead was Chief, was that the time you returned? A I mean when I went to reinstate my rights Bushyhead was Chief.
- Q Was that when you tried to get your name on the roll? A I don't know whether they were making any enrollment or things like that, but the people I was living with told me to go up to Tahlequah and see the Chief, I think, about it, so when I went up there I told him my business and he said "aulina there wont be any danger, he says your master's wife lived in the house five years with us after her husband died, and he says that is all right, and if you want your name put down I will put it down.
- Q How long had you been back to the Cherokee Nation before you went up to see Chief Bushyhead? A I never paid any attention, I am going to tell you the truth, I never paid any attention to it, just what old people told me to do that is what I done.
- Q You didn't intend to state then that you returned to the Cherokee Nation at the time Bushyhead was Chief? A It may be before, but he was Chief when I went up there, I don't know a thing but just where I was bred and born here.
- Q Is it true that the first time you returned to the Cherokee Nation that Chief Bushyhead was Chief? A He was Chief when I went up there.
- Q When you went up there was that after you returned? A Yes sir.
- Q Do you know about how long you had been back when you went up there? A I don't know sir, I just really couldn't tell you.
- Q Well had it been quite a while or just a short time? A It had been a good while I reckon, I just can't fix it in my mind how long it was.
- Q You applied for the enrollment of a grand child, Jesse Hill, is he living? A Yes sir.
- Q What is the name of his mother? A Anna Hill.
- Q Is she living? A Yes sir.
- Q What relation is she to you? A She is my daughter.
- Q Has she applied for enrollment as a Cherokee freedman? A Yes sir, she ~~brought~~ drew when all the rest of them drew money.
- Q What is the name of the father of Jesse Hill? A Charlie Hill.
- Q Is he a Cherokee freedman? A No sir.

BY MR. DAVENPORT:

- Q You say you don't remember what year you came back? A We come back the fall of the surrender.
- Q Where did you go when you went south? A We went out on Blue Creek.
- Q You don't know whether you went to Texas or not? A No sir, we never went to Texas.
- Q Did you apply when you went to Tahlequah before the Commission or Supreme Court of the Cherokee Nation, or did you just talk to the Chief? A I just talked to the Chief and the Clerk and another old gentleman with his collar all open, Ross I think.
- Q You don't know whether you were enrolled then? A He put it down,
- Q Were you place on any roll and recognized after that as a citizen?
- A I enrolled with all the rest of them after that.

-----cOo-----
Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of February, 1906.

Geo. H. Lessley
Myra White
Notary Public.

0763

Cherokee Freedmen D 33

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Paulina Hill, et al., as Cherokee Freedmen.

--:--

D E C I S I O N .

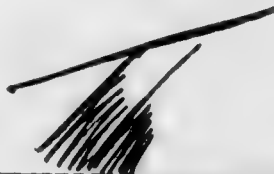
THE RECORDS OF THIS OFFICE SHOW: That on April 9, 1901, at Fort Gibson, Indian Territory, Paulina Hill appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor grandchild, Jesse Hill, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on April 24, 1901, at Muskogee, Indian Territory, on July 25, 1902, September 14, 1904 and April 20, 1905, at Fort Gibson, Indian Territory, on February 12, 1906 and at Vian, Indian Territory, on February 13, 1906.

THE EVIDENCE IN HIS CASE SHOWS: That the principal applicant, Paulina Hill, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken from the Cherokee Nation during said rebellion, but returned thereto with, among others, Morris Sheppard, and established her residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that she has since continuously resided within the domain of the Five Civilized Tribes.

In connection with the above finding attention is called to the fact that in Cherokee Freedmen Doubtful 137, now Cherokee Freedmen 1254, the Commission to the Five Civilized Tribes found that the said Morris Sheppard returned to the Cherokee Nation after the rebellion, in November, 1866, and he is now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite No. 3492.

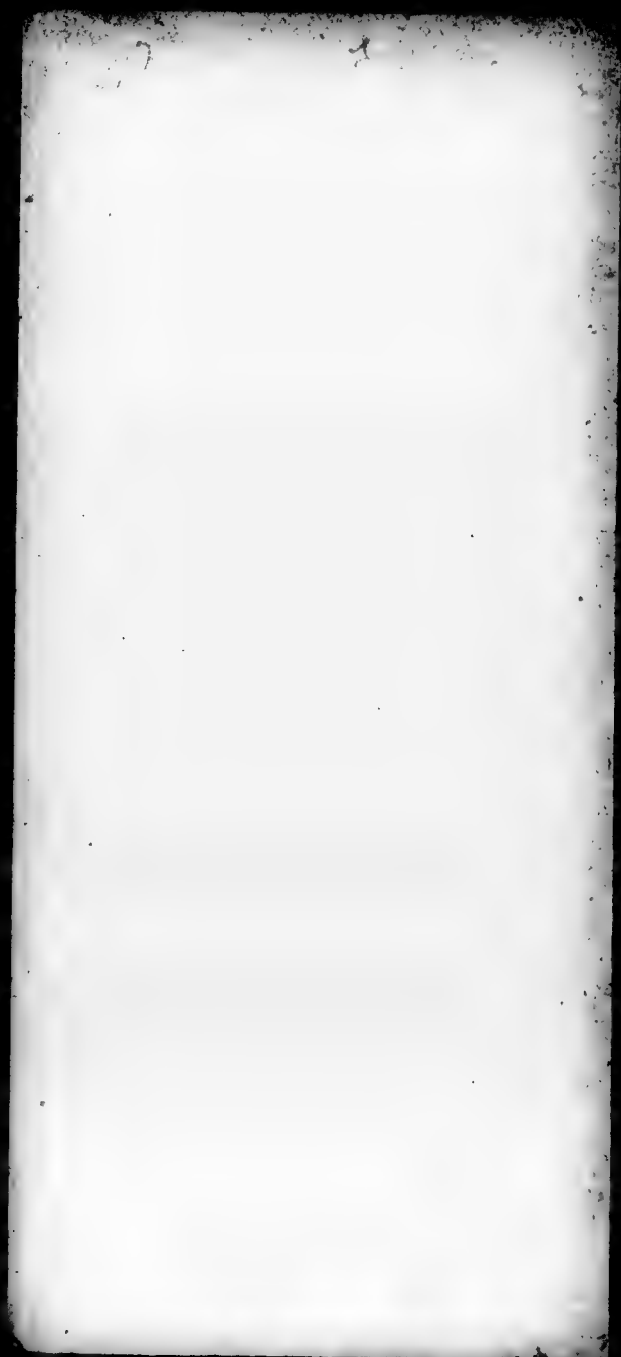
The evidence further shows that the principal applicant, Paulina Hill, is the mother of one Anna Hill, for whom no application for enrollment as a Cherokee citizen has been made, and that the said Anna Hill is the mother of the minor applicant, Jesse Hill; that the said Anna Hill was born in the Cherokee Nation since the close of the rebellion and continuously resided therein until subsequent to the birth of said minor applicant, and that said minor applicant, Jesse Hill, has lived in the Cherokee Nation all his life.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Paulina Hill and Jesse Hill are entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly granted.



Commissioner

Dated at Muskogee, Indian Territory,
this MAY 18 1906



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Paulina Hill,

Vian, Indian Territory,

Cherokee F-D-33

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D 33

Muskogee, Ind. Ter., July 3, 1902.

Paulina Hill,

Vian, Ind. Ter.

Madam:

In the matter of your application for the enrollment of yourself and grand-child, Jesse Hill, you are advised that it is necessary, for the proper consideration of this case, that you submit further testimony upon the subject of your grand-child's residence.

This testimony must be furnished on or before July 24, 1902.

Yours truly,

Commissioner in charge.

Register.

Cherokee Freedmen
D-33.

Muskogee, Indian Territory, October 17, 1903.

Pauline Hill, -

Vian, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required as to whether you were the slave of a Cherokee citizen at the commencement of the war, and as to whether you returned to and were residing in the Cherokee Nation within the time specified in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-55.

Muskogee, Indian Territory, July 5, 1904.

Paulina Hill,

Vian, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and grandchild, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced, tending to show whether you were the slave of a Cherokee citizen at the commencement of the war of the rebellion and returned to the Cherokee Nation after the war within the time provided in the treaty of 1866.

You are therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday, July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen

D- 33.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Paulina Hill for the enrollment of herself and grandchild, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced, tending to show whether applicant, ~~Paulina~~ Paulina Hill, was the slave of a Cherokee citizen at the commencement of the war of the rebellion and returned to the Cherokee Nation after the war within the time provided in the treaty of 1866.

The applicant, Harry Brown, has therefore been this day, directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock ~~AM~~ on Wednesday July 27, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as may be desired in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-33.

Muskogee, Indian Territory, August 10, 1904.

Pauline Hill,

Vian, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and grandchild as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, and whether or not you returned to the Nation after the war within the time provided in the Treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 16, 1904, and introduce the testimony of such witnesses as you may be able to procure touching on the points above mentioned.

Respectfully,

Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-742, et al.

Muskogee, Indian Territory, December 15, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental
testimony taken at Muskogee, Indian Territory, in the following
Cherokee freedmen cases:

Freedmen D-742-----	David Johnson, et al.,
Freedmen D-720-----	Amy Shields,
Freedmen D-61-----	Jesse Oar,
Freedmen R-351-----	Ida Johnson, et al.,
Freedmen D-1151-----	Henry Taylor, et al.,
Freedmen D-83-----	Pauline Hill, et al.,
Freedmen R-346-----	Jackie Ann Mar'ham, et al.

Respectfully,

SIGNED: *Tams Bixby.*
Chairman.

Incl. G-23.

COPY.

Cherokee Freedmen
D-33.

Muskogee, Indian Territory, December 15, 1904.

J. Garfield Buell,
Attorney for Pauline Hill, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 14, 1904, in the matter of the application of Pauline Hill, et al., for enrollment as Cherokee freedmen, together with a blank form of receipt for same which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Incl. S-92.
Register.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRACKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4411 2

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
D-33.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 29, 1904.

Pauline Hill,

Fort Smith, Arkansas.

Dear Madam:

The Commission is in receipt of a letter of December 23, 1904, signed by yourself and John Hill stating that you have employed Neal & London to represent you in the matter of your application for enrollment as Cherokee Freedmen and asking that they be furnished with a copy of all the papers in the case.

In reply you are advised that the Commission has heretofore furnished your former attorney, J. Garfield Buell, Muskogee, Indian Territory, a copy of the record in this case, and it cannot undertake to furnish the additional copy requested.

Respectfully,



Chairman.

COPY.

Cherokee Freedman
D-33.

Muskogee, Indian Territory, December 23, 1904.

Neal & Landon,

Attorneys for Pauline Hill,
Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of December 23, 1904, stating that you have been employed to represent Pauline Hill in the matter of her application for enrollment as a Cherokee Freedman, and asked to be furnished with a copy of the testimony in her case.

In reply you are advised that the Commission has heretofore furnished her former attorney, J. Garfield Buell, Muskogee, Indian Territory, with a copy of the testimony in this case.

You are further advised that the Commission cannot undertake to furnish the additional copy requested by you.

Respectfully,

SIGNED: *Tams Bixby*
Chairman.

COPY.

C. F. D. 33.

Muskogee, Indian Territory, March 27, 1905.

J. Garfield Buel,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Jesse Hill, as a Cherokee Freedman, the Commission has this day notified Paulina Hill that before any further action can be taken in the matter of the application of said Jesse Hill, it will be necessary for her to appear before this Commission and give testimony relative to the citizenship and residence of the mother of said applicant.

For this purpose she has been directed to appear at the General Office, in Muskogee, Indian Territory, on Thursday, April 13, 1905, when testimony touching the above points will be heard.

Respectfully,

(SIGNED) *Jame Bixby.*
Chairman.

COPY.

C.F.D.33

Muskogee, Indian Territory, March 27, 1905.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Jesse Hill, as a Cherokee Freedman, the Commission has this day notified Paulina Hill that before any further action can be taken in the matter of the application of said Jesse Hill, it will be necessary for her to appear before this Commission and give testimony relative to the citizenship and residence of the mother of said applicant.

For this purpose she has been directed to appear at the General Offices of the Commission, on Thursday, April 13, 1905, when testimony touching the above points will be heard.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2610
REFER IN REPLY TO THE FOLLOWING:

C F D 33

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 27, 1905.

Paulina Hill,

Vian, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor grand-child, Jesse Hill, as a Cherokee Freedman, you are hereby notified that before any further action can be taken in the matter of said application it will be necessary for you to appear before this Commission and give testimony, relative to the citizenship and residence of his mother.

For this purpose you are directed to appear before this Commission, at its offices in Muskogee, Indian Territory, on Thursday, April 13, 1905, and give testimony touching the points above mentioned.

Respectfully,

Register.


Chairman.

*Appeared April 20 '05
& testified.*

Cherokee Freedman
D 33

COPY.

Muskogee, Indian Territory, August 25, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the application of Paulina Hill for the enrollment of herself and her grandson, Jesse Hill, as Cherokee freedmen, you are advised that before a final decision can be rendered in this case it will be necessary that further testimony be introduced as to the principal-applicant's continued residence in the Cherokee Nation.

Paulina Hill has therefore this day been notified to appear before this office on Thursday, August 31, 1905, at nine o'clock A.M., and introduce testimony as above indicated. You are hereby notified that you will also be permitted to appear on that date and introduce such testimony as you may desire.

Respectfully

(S)

Tame Dixby.
Commissioner.

COPY.

Cherokee Freedman
D 33

Muskogee, Indian Territory, August 25, 1905

Paulina Hill,

Vian, Indian Territory.

Dear Madam:

In connection with your application for the enrollment of yourself and your grandson, Jesse Hill, as Cherokee freedmen, you are advised that before a final decision can be rendered in your case, it will be necessary that further testimony be introduced as to your continued residence in the Cherokee Nation.

You are therefore notified to appear before this office at nine o'clock A. M., on Thursday, August 31, 1905, and give further testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it may desire.

Respectfully,

Signed

James D. Hill

Commissioner

COPY

Cherokee Freedman
D 33

Muskogee, Indian Territory, August 28, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the application for the enrollment of Paulina Hill and her grandchild, Jesse Hill, as Cherokee freedmen, you are advised that before a final decision can be rendered in this case it will be necessary that further testimony be introduced as to the continued residence of the principal applicant in the Cherokee nation.

Paulina Hill has therefore this day been notified to appear before this office at nine o'clock A. M., on Thursday, August 31, 1905, and give further testimony as indicated above.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as you may desire.

Respectfully,

SIGNED

Tamoc Dixby.

Commissioner

LMP

Cherokee freedman
D 33

COPY

Muskogee, Indian Territory, September 7, 1905

Paulina Hill,

Vian, Indian Territory.

Dear Madam:

You are hereby advised that on Thursday, September 14, 1905, at nine o'clock A.M., you will again be given an opportunity to appear before the offices of the Commissioner to the Five Civilized Tribes for the purpose of giving further testimony as to your continued residence in the Cherokee Nation.

Before a final decision can be rendered in the Cherokee freedman enrollment case of yourself and grandchild, Jesse Hill, it will be necessary that you appear and give the testimony above indicated. You are therefore directed to be present on that date.

The Cherokee Nation will also be permitted to appear at that time and introduce such further testimony as it desires in this case.

Respectfully,

(SIGNED)

W. O. Beall
Acting Commissioner

Register
LMB

Cherokee Freedman
D 33

Muskogee, Indian Territory, September 7, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Cherokee freedman enrollment case of Paulina and Jesse Hill has been set for further hearing at nine o'clock A.M., on Thursday, September 14, 1905, at which time Paulina Hill has this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes for the purpose of giving further testimony as to her continued residence in the Cherokee Nation.

The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

(Sig) *Wm B. Bell*
Acting

Commissioner

L. B.

Cherokee
F. D. 33.

Muskogee, Indian Territory, February 8, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on Monday, February 12, 1906, at one o'clock P. M., at Fort Gibson, Indian Territory, a further hearing will be had in the Cherokee freedman enrollment case of Paulina Hill, et al., at which time Morris Sheppard of Fort Gibson, Indian Territory, has this day been notified to appear before a Field Party of this office in order that his testimony may be taken in connection with this case.

You are further advised that Paulina Hill has this day been notified to appear before said Field Party at Vian, Indian Territory, on Tuesday, February 13, 1906, at eight o'clock A. M., in order that her testimony may be taken in connection with her case.

Respectfully,

GHL

Acting Commissioner.

Cherokee
F D 33.

Muskogee, Indian Territory, February 8, 1906.

Paulina Hill,

Vian, Indian Territory.

Dear Madam:

You are hereby advised that on Monday, February 12, 1906, at one o'clock P. M., at Fort Gibson, Indian Territory, a further hearing will be had in the matter of your Cherokee freedman enrollment case at which time your half brother, Morris Sheppard has this day been notified to appear before a Field Party of this office in order that his testimony may be taken in connection with your case. You can be present at said hearing if you so desire.

You are further advised that on Tuesday, February 13, 1906, at eight o'clock A. M., you will be given an opportunity to appear before said Field Party at Vian, Indian Territory, at which time and place you are directed to appear in order that your testimony may be taken in connection with your case.

Respectfully,

GHL

Acting Commissioner.

REGISTER.

Cherokee
F D 33

Muskogee, Indian Territory, February 8, 1906.

Morris Sheppard,

Fort Gibson, Indian Territory.

Dear Sir:

It is desired that your testimony be taken in connection with the Cherokee freedman case of your half sister, Paulina Hill, and her minor children, and you are, therefore, hereby directed to appear before a Field Party of this office at Fort Gibson, Indian Territory, on Monday February 12, 1906, at one o'clock P. M., in order that your testimony may be taken in this case.

Before the right to enrollment of the said Paulina Hill can be properly determined, it will be necessary that further testimony be taken as to her residence in the Cherokee Nation, and it is especially desired that your testimony be taken in connection with said case. You will be advised of the place of hearing upon inquiry of the Postmaster of Fort Gibson on the above date.

Respectfully,

GHL

Acting Commissioner.

REGISTER.

Cherokee
F D 33.

Muskogee, Indian Territory, February 8, 1906.

J. Garfield Buell,

Muskogee, Indian Territory.

Dear Sir:

On September 14, 1904, you appeared as attorney for applicants at a hearing had before the Commission to the Five Civilized Tribes in the Cherokee Freedmen enrollment case of Paulina Hill, et al. The principal applicant in this case has since that date advised this office that she never employed you to represent her in the matter of her application for enrollment. For your information, however, you are advised that said Paulina Hill has this day been advised that a further hearing would be had in the matter of her application for enrollment at Fort Gibson, Indian Territory, on February 12, 1906, at one o'clock P. M., and at Vian, Indian Territory on Tuesday, February 13, 1906, at eight o'clock A. M., and that she could be present at the hearing had at the former place, and she was directed to be present in person at the latter place in order that her testimony may be taken in connection with her case.

Respectfully,

G.H.

Acting Commissioner.

Cherokee
F D 33

Muskogee, Indian Territory, February 16, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith copies of supplemental testimony taken at Fort Gibson, Indian Territory, on February 12, 1906, and at Vian, Indian Territory, on February 13, 1906, in the matter of the application for the enrollment of Paulina Hill, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-56.
GHL

Acting Commissioner.

Cherokee Freedmen

COPY.

D-33.

Muskogee, Indian Territory, May 18, 1906.

Bell, Hastings & Ravenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, granting the application for the enrollment of Paulina and Jesse Hill as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED).

Wm. C. Beall
Acting Commissioner.

Incl. S-37
LS

Cherokee freedman

D 33

Muskogee, Indian Territory, ^{May} 28, 1906.

Paulina Hill,

Vian, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed September 7, 1905, by your attorneys for review in your Cherokee freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

MCP

Cherokee freedmen

R 400, et al.

Muskogee, Indian Territory, May 28, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMB

Commissioner

Cherokee freedmen

R 400 et al.

Muskogee, Indian Territory, May 28, 1906

Blue & Bulger,

Attorneys for Joseph Brown, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMB

Commissioner

Encl. B-93

Cherokee Freedmen
D 33.

COPY.

Muskogee, Indian Territory, June 9, 1906.

Paulina Hill,

Vian, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, granting your application for the enrollment of yourself and grandson, Jesse Hill, as Cherokee Freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a schedule of Cherokee Freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Encl. A-102.
M.A.

James Bixby.
Commissioner.

Cher Fr 1511

Cher Fr 1511

SUPPLEMENTAL: Cherokee Freedman doubtful 630.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Robert Webber for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Appearances:

Mr. Mellette, of Mellette & Smith, for applicants;
Mr. Hastings, for the Cherokee Nation.

- Q Give your name? A Robert Webber.
Q How old are you? A 65.
Q Are you the husband of Margaret Webber? A Yes sir.
Q You applied here a few days ago? A Yes sir.
BY MR. HASTINGS:
Q Who did you give as your owner? A Old Akoy Webber.
Q Did you belong to Akoy Webber at the time the war came up?
A Yes sir.
Q You know Jim Tittle at Vinita? A Yes sir.
Q Did you know him before the war? A No sir.
Q Did you know his father, Daniel Tittle before the war? A No sir.
Q When did you become acquainted with Daniel Tittle? A After I was taken prisoner.
Q Who brought you back to this country? A I came with Mr. Gunter, as far as this place.
MR. MELLETTE:
Q What Gunter was that? A Caldeen Gunter.
BY MR. HASTINGS:
Q Where did Caldeen Gunter live? A He lived up there at Siolan Springs, I guess that's the place.
Q Arkansas? A Yes sir.
Q You never belonged to Daniel Tittle before the war? A No sir.
Q You never returned with him after the war? A No sir.
Q Did you ever work for him? A I worked for him a little while.
Q Before or after the war? A After the war.
Q How long after the war? A In the spring of '66.
Q Jim Tittle was at home at that time? A Yes sir.
Q And he knows about it? A Yes sir.
BY MR. MELLETTE:
Q How close to the line did you come with old man Gunter? A It couldn't have been more than a mile, I guess from his house to the line.
Q Siolan Springs is right on the Cherokee line? A Yes sir.
Q Is Caldeen Gunter the father of John Gunter here at Vinita? A Yes sir.
Q John Gunter is a recognized citizen of the Cherokee Nation? A Yes sir. They say they has recognized him; he told me he was admitted too, and one of his sisters.
Q MR. HASTINGS: Was admitted? A Yes sir, at this court.

Com'r Breckinridge: This will be added as additional testimony to Freedman doubtful card 630.

M. D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in his case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 20, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

A. J. M. S.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of--

Etta Manley et al.,	Cherokee Freedmen F-353
Ella Whitmire,	Cherokee Freedmen F-435,
Becky Webber,	Cherokee Freedmen F-435
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-54,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-664,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-676,
Susie Webber (Whitmire) et al.,	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950,

-:-

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children, Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph, r., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission, showing the birth of Paisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross Cherokee Freedmen D-350, Elizabeth Weigs, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Wanley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Parton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Wanley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 83, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866, and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five-Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Waynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitnair, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra Johnson, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitnair, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 26, 1898, (30 Stat., 490), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 710).

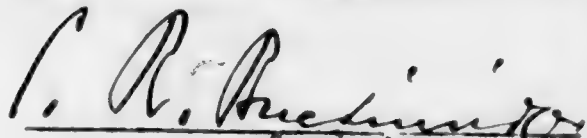
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner.

Muskogee, Indian Territory,
this _____

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

LAND:
8564-1905.
14810-1905.

March 31, 1905

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1880 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitwire, Sam and Josh Webber and Fete Manley are children of Robert and Margaret Webber, were born since 1865 and have continuously resided in the Cherokee Nation since birth.

The minor applicants, Ida, Frank, Sarah, Lola, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitmire are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison,

Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1860 and have continuously lived with their mothers since birth.

The record shows that the applicant, Frank Webber, died June 13, 1901.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.V.V.
7.

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Y.P.

DEPARTMENT OF THE INTERIOR,

D.C. 22188

WASHINGTON.

FHE.

I.T.D. 3843,4575,8743-1905.

8745,8903,8905- "

3344,8907- "

10611,12908- "

May 31, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Baulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonso Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Elisa Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston S. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cher Fr 1512

Cher Fr 1512

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10, 1901.

In the matter of the application of Sam Webber for enrollment as a Cherokee Freedman.

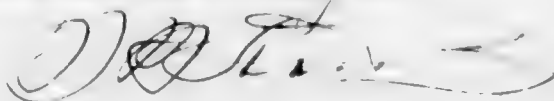
Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sam Webber.
Q How old are you? A 30 years old.
Q What is your post office? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q What is your father's name? A Bob Webber.
Q Is your name on the roll of 1880? A No, sir, it is on the Wallace and the Clifton roll.
Q What is your mother's name? A Margaret Webber.
Q Are you married? A Yes, sir.
Q Got any children? A Yes, sir, two.
Q You don't apply for them? A No, sir, they are Delawares, they go with their mother, she is a Delaware.
Q Where were you born? A I was born in Lightning Creek in the Cherokee Nation, Cooweescoowee district.
Q Lived there all your life? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.
The Kern-Clifton roll examined, and the applicant identified thereon, page 181, No. 4454, Cooweescoowee district;
Wallace roll examined and the applicant identified thereon, page 150, No. 3122, Cooweescoowee district, as Samuel Webber.

Commissioner: Sam Webber applies for the enrollment of himself. He avers that he is the son of Robert and Margaret Webber, who are listed for enrollment as Cherokee Freedmen on D card 630, and the testimony taken in said case will be made part of the testimony in this case and a copy thereof filed herewith. He makes satisfactory proof as to residence, and is duly identified upon the Kern-Clifton and Wallace rolls. His name is not found upon the rolls of 1880 or the census roll of 1896. Now the said Sam Webber will be listed for enrollment as a Cherokee Freedman on what is known as a doubtful card. He will be duly notified by mail of the decision in his case when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 10th of June, 1901.



Commissioner.

MISSOURI STATE ARCHIVES
FILED
JUN 10 1901

[Faint handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 10 1901

Post Office Hayden T.

District Co

1. Name *Samuel Webster* Age 30

Owner's name Citizenship

Year *1860* Page *81* No. *4434* District *Co*

Parents:

Father *Rob. Webster* Citizenship

Mother *Mary Ann* Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children

3. *Robert* Year Page No. Dist.

4. *Anna* Year Page No. Dist.

5. *John* Year Page No. Dist.

6. *William* Year Page No. Dist.

7. *Elizabeth* Year Page No. Dist.

8. *James* Year Page No. Dist.

9. *Mary* Year Page No. Dist.

10. *Samuel* Year Page No. Dist.

11. *Anna* Year Page No. Dist.

12. *John* Year Page No. Dist.

Application made by *W. H. 1* Stenographer *Ed. Jones*

Wallace roll, P. 157 # 3122 - Samuel Webster

2/1/01 250

File with Cherokee Freedman, D-663, Sam Webber

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Robert Webber for the enrollment of himself and wife as Cherokee Freedmen; said Webber being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Appearances:

Messrs. Mellette & Smith for Applicants.
Mr. J. S. Davenport for Cherokee Nation.

- Q Give me your name? A Robert Webber.
Q How old are you? A About 65.
Q What is your postoffice? A Hayden.
Q In what district do you live? A I live in Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A My wife.
Q Is that all? A My children.
Q How many children? A Four.
Q You have got four children that are under 21? A No, they are all married.
Q Then it is just you and your wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, born here.
Q Were you out during the war? A Yes, sir.
Q What time did you come back? A I come back in '66.
Q Have you lived hereever since you got back in 1866? A Yes sir.
Q Are you the slave of a Cherokee citizen when the war broke out?
A Yes, sir, I was the slave of old Akey Webber.
Q Was she a recognized citizen of the Cherokee Nation?
A Yes, sir, full blooded Indian.
Q What time did you come back in 1866? A Along in the summer.
Q To what point did you come? A I come on the Barren Fork in Tahlequah District.
Q You came right to Barren Fork? A Yes, sir.
Q Give me the name of your wife? A Margaret.
Q How old is your wife? A She is about 66.
Q When did you marry her? A In time of the war.
Q Was she a slave of a Cherokee citizen when the war broke out?
A Yes, sir.
Q Whom did she belong to? A John Gunter's mother.
Q What was her name? A Nancy Ward.
Q Was she a well known and recognized citizen of the Cherokee Nation? A Yes, sir, I guess so, she always drew money with them
Q Did this woman, Margaret, go with you to Kansas? A No, sir, we was in Texas together.
Q You didn't go to Kansas? A No, sir.
Q She went with you? A That is where I found her when I got her.
Q You married her down there? A Yes, sir.
Q Was she there with a Cherokee by blood? A Yes, sir.
Q Did the Wards have her there? A Yes, sir.
Q Did she come back with you? A Yes, sir; I brought her back.
Q Has she lived in the Cherokee Nation ever since? A Yes, sir.
The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 180, #4430, Robert Webber, Cooweescoowee District.
Page 175, #4288, Margaret Webber, Cooweescoowee District.

Q Now, how does it happen that neither you nor your wife is on the roll of 1880? A Well, I guess they just didn't want to put it on there.

Q What reason did they give? A Didn't give any reason.

Q Did you talk to them about it when they come around? A Yes sir.

Q What did they say? A Didn't say anything, said they would put it down.

Q Did they tell you it was all right or they didn't know?

A They didn't know; wasn't but one man told me it was all right and that was Rufus Ross.

Q Did you ever go to Tahlequah and see about having your rights recognized. A Yes, sir.

Q When did you go? A When John Chambers was Judge.

Q Did you attend his Court? A Yes, sir, he sent a summon for me.

Q Did you have proceedings there before his court? A Yes, sir.

Q And what was the result of the proceedings? A He put me off for two or three weeks.

Q And then what did they do? A When I went back they had done tried me and put me on the doubtful roll and I said it was a poor way to try a man and him absent.

Q Did they question you when you first went there? A No, he just talked some when I went there and told me all he wanted was good evidence.

Q Did he examine any witnesses? A No, sir.

Q Did he ask you about when you come back and all about it?

A Yes, sir.

Q Asked you all about it at that time? A Yes, sir.

Q He took your own evidence? A Yes, sir; I got to the door and he got to talking Cherokee to me and we stood there talking Cherokee a long time and he said we will put it off for two weeks and I returned inside of two weeks.

Q Did you take any witnesses? A Yes, sir, they are dead now.

Q Did you take them back in that two weeks? A No, sir, they lived down there.

Q Did they live at Tahlequah? A Yes, sir.

Q You had them there at the end of two weeks did you? A Yes, sir.

By Mr. Mellette:

Q Who did you come back with? A I come with a fellow by the name of Web Crittendon.

Q Where is the first point you struck in the Cherokee Nation when you came here? A The first pint I struck was on the Illinois River by Mr. Musgrove's; I come down the big road, down Lindsey's prairie.

Q Where did you come from? A I come from Caldine Gunter's.

Q In what State? A That was in Arkansas he lives, I moved him there.

By Commissioner Beckinridge:

Q You moved him from where? A From Texas.

Q How long did you stay at Caldine Gunter's? A I stayed there that winter, in '65, and in '66 I left them, told mother there was a limit and I had better get back.

Q Is that up in Washington County, Arkansas? A Benton County I think.

Q Did you stay there as much as a year? A No, sir.

Q What time of the year was it you got there? A In the winter.

Q And what time did you leave? A I left in the Spring.

Q The following Spring? A Yes, sir, the following spring.

Q You came to Gunter's from Texas? A Yes, sir.

Q About what time in the winter? A I don't know just exactly.

Q Well about how long after Christmas? A Oh, I guess it must have been a week or two after Christmas.

Q How did you happen to leave Texas and go up to Gunter's?

A He was coming back and he said he would bring me back.

Q Was the war over? A Yes, sir, peace was declared in '66, I drove teams for him.

Q Had Gunter been in the Confederate army? A No, sir, he hadn't been in any army at all; he stayed with his family.

Q There was no fighting when you came back? A No, sir, the war was ended but it was little kinda squally times yet.

Q Who came with you and the Gunters? A Fellow by the name of Crittendon.

Q How long had the war been over when you went to Gunters?

A Peace was declared in '65; I was with Gunter there in Texas when peace was declared, we started back home that same summer.

Q Have you lived in the Cherokee Nation ever since you came to it from Gunter's in Arkansas? A Yes, sir.

Q Was your wife with you at Gunter's? A Yes, sir.

Q Did she come with you from Gunter's to the Cherokee Nation?

A Yes, sir, I moved her down from Gunter's to the Cherokee Nation.

By Mr. Davenport:

Q Now, Robert, did you belong to Caldine Gunter at the breaking out of the war? A Yes, sir.

Q You belonged to whom? A Old Alay Webber.

Q Where were you living with reference to Caldine Gunter and family when the war broke out? A I was living down here by Tahlequah.

Q How far from Gunter's? A About 35 or 40 miles.

Q They were living at what is known as Siloam Spring? A Yes, sir.

Q You went south to Texas during the war? A Yes, sir.

Q And you came back to Arkansas with Caldine Gunter and his family?

A Yes, sir.

Q Do you remember the names of Caldine Gunter's children that were living then? A Yes, sir, I know part of them, John T. Gunter.

Q He lives here at Vinita? A Yes, sir.

Q Do you remember his oldest daughter's name? A Ann Eliza.

Q Mrs. Doctor Fortner at Vinita? A Yes, sir, and Eliza was out cow driver.

Q When you applied to the Chambers Court in 1871 to be admitted, you were decided against, of course, you had returned too late?

A That is what they said.

Q Now, when you came back to the Nation whose farm did you come to first? A I went to the old Roach farm on Barren Fork, the George Roach's farm.

Q He was living there? A Yes, sir.

Q He is now living down in there? A Yes, sir.

Q He would know when you got back? A Yes, sir, he ought to know I made a crop there.

Q In giving your testimony before you didn't state that you returned to Caldine Gunter's in 1866? A No, sir, I didn't.

Q How long did you live on the Roach place on Illinois river in that country there? A I lived down in that country four or five years.

Q Who else of the Cherokee families were living there when you returned to the Roach place? A Nan Roach and John Roach and Sallie.

Q Were there any other Cherokee families there other than the Roach family? A Aaron Crittendon.

Q How far is this Roach place from Tahlequah? A Ten miles.

By Com'r Breckinridge:

Q Where was Caldine Gunter living when the war broke out?

A He was living there where I left him I guess.

Q At Siloam Springs, Arkansas? A Yes, sir.

Q Was your wife living with him? A I guess so, I didn't know anything about her when they were living there.

Q You met her in Texas? A Yes, sir.

Q Well, was she living with Caldine Gunter in Texas? A Yes, sir.

Q And she belonged to Caldine Gunter at the time she went back with Caldine Gunter to his house? A Yes, sir, she was in the family.

Q Now, you and your wife have a lot of children? A Yes, sir.

Q They are of age? A Yes, sir.

-4-

Q They may need to claim in your case so I will take their names now; give me their names? A Frank Webber.

Q How old is Frank? A About 37.

Q And then the next child? A Katie but then she went in with her husband.

Q She is with her husband? A Yes, sir.

Q What is her present name? A She is a Manley now.

Q Has she already applied? A Yes, sir.

Q Now the next child? A Josh.

Q How old is Josh?

Q How old is Josh? A 33.

Q Now the next child? A Sam.

Q How old is Sam.

Q Now, the next child? A Ella, you get her down with her old man, Ella Wright.

Q Has she applied yet? A Yes, sir, told me to speak to you about it; she was down with him, Walter Wright, I guess he put his name down.

Q What is the name of Katie's husband? A Joe Manley.

Q Which one comes next to Ella? A That is all.

LOUIS D. DANIELS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Louis D. Daniels; age 56; postoffice, Claremore.

Q How long have you lived in the Cherokee Nation? A All my life, sir.

Q Are you on the 1880 roll? A Yes, sir.

Q Do you know this applicant here? A Yes, sir.

Q Did you know him before the war? A No, sir, I got acquainted with him after the surrender.

Q Where did you first meet him after the surrender? A In Fort Gibson, sir.

Q When was that you met him in Fort Gibson? A That was in the summer of '66.

Q That was the first time you met him was it? A For me to know him.

Q What were the circumstances of your meeting, were you acquainted with him? A There were eight or ten of us going to go out and hunt some meat and kill some beeves, we was allowed to kill beeves by going to see the Chief and getting a permit, and we come up to Grand river and got an order from Chief Downing to kill some beeves and Bob was in the crowd with me.

Q This man, Bob? A Yes, sir, there were several of us, there is six living now.

Q Did he go with you to kill the beeves? A Yes, sir.

Q And you remember of his being in that party? A Yes, sir, and every man remembers it that is living.

Q Were there any other times that you have met him? A Yes sir, I have met him since that; after he left Fort Gibson I don't know exactly what time I met him in '68 on Barren Fork; I was going by there to buy some hogs and I stayed all night with him in the Cherokee Nation, about 15 miles the other side of Tahlequah.

Q Where was he living when you met him in Fort Gibson? A He was staying with his brother, I guess, I didn't ask him.

Q Where was his brother living? A Right in Fort Gibson, Dude Webber.

By Mr. Davanport:

Q Now, Louis, the first time you remember seeing Bob here in the Cherokee Nation from the time you went to get an order from Louis Downing to kill some beeves - ? A I may have seen him before that, but I didn't know it was Bob Webber.

ROBERT WEBBER, the applicant, recalled; By Com'r Breckinridge.

Q These children you have named are five children are they all the children of your wife, Margaret? A Yes, sir.

Q Were you ever married before you married Margaret? A Yes, sir.

Q Back in old slavery times? A Yes, sir.

Q Was your wife dead? A No, sir, but we are parted, she is right down here now.

Q Your wife, Margaret, had she been married before? A Yes, sir.

Q Had she been parted by the war? A Yes, sir.

FRANK ROSS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Frank Ross.

Q How old are you? A 53.

Q What is your postoffice? A Haycraft.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Are you on the roll of 1880? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war came on?

A Yes, sir.

Q Did you know this applicant here, Robert Webber, before the war?

A No, sir.

Q Did you meet him after the war? A Yes, sir.

Q Where and when did you first meet him after the war?

A Met him down here on Pryors Creek.

Q What was he doing down there? A Hunting beeves, cattle.

Q When was that? A In '66, in August.

Q Who were with you? A Louis Daniels and Huse Rogers and Dude Webber and George Ross, that is all I saw; I didn't go down to the camp, I met them out on the prairie.

Q Did you hunt with them? A No, sir, I had been hunting, I was going on home when I met him.

Q Have you seen much of him from that time on? A Yes, sir, I have seen him off and on ever since that time.

Q Has he always continued to live in the Cherokee Nation?

A Yes, sir.

By Mr. Davenport:

Q You didn't leave the Nation did you, Frank, during the war?

A I was out about eight months altogether.

Q When did you return? A '66.

Q What time of the year? A In March.

Q Where were you living at the time the treaty was made?

A I lived down here on Pryors Creek.

Q What place? A Down there, this side of where the railroad crosses.

Q Was there anyone living there at that time? A My ownrs lived there, my father and mother.

Q Wasn't any improvements there on the farm? A None except what we put there.

Q When did you put them there? A We moved up there in the fall of '66, we moved from the Rider place to Pryors Creek.

Q You moved up there in the fall of '66? A Yes, sir.

Q There were not any improvements there when you moved there?

A No, sir, I was hunting beeves.

Q You had got an order from the Chief to hunt Beeves? A I lived right there by the Chief.

Q What Chief? A Downing.

Q That was in August, 1866? A Yes, sir.

Q What time in August, '66? A About the first of August.

Q When did Louis Downing become Chief? A He was only acting Chief then, he run the next coming year, because I voted for him; didn't vote for him either, voted for Bill Ross.

Q You remember distinctly it was in 1866? A Yes, sir.

Q Where was Robert Webber living then? A I don't know, he come down below there

Q You never asked him any questions about that? A No, sir, I knew Louis Daniels and all of them and I knew George Ross because we was raised together.

Q That is the George Ross that lives down here about Claremore?
A Yes, sir.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name is Sam Webber is it? A Yes, sir.

Q How old are you? A About 58.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and raised here and come back in '66 here.

Q Are you on the 1880 roll? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.

Q Did you know this man, Robert Webber before the war broke out?
A Yes, sir.

Q To whom did he belong? A Akey Webber, same woman I belonged to..

Q She was a recognized Cherokee citizen was she? A Yes, sir; talked all Cherokee, could not talk any English.

Q Did this man go out with you when the war came up?

A No, sir, I found him with the Pin Indians. When they pulled up and went north I found him with them when they went there.

Q Where was that? A That was somewheres near on the line, Arkansas line, where I found him when I went to him.

Q When was that? A That was ~~XXXXXXXXXXXX~~ along sometime near the war commenced.

Q He was with the Pins? A Yes, sir, when I seen him.

Q What did you see of him after that? A He was taken prisoner and was taken off and I didn't see him any more; his wife come to Kansas and said they come and got him to their house one night and I never seen him any more.

Q His wife came to your house? A Come to the soldiers' quarters.

Q Who did she say took him? A The Pushwhackers.

Q And they took him north? A No, sir, taken him south what she said.

Q And you don't know what they did with him down there? A No sir.

Q When did you see him after the war? A I saw him here along after the war when I lived up here he come up to see us.

Q That was two or three years after you got back? A Yes, sir.

Q When did you get back? A '66.

Q And that was '66 or '68? A Yes, sir, somewheres along there.

By Mr. Lavenport:

Q Sam, what became of Bob's wife after she came up to the soldiers' camp? A She stayed there and went to Bigson.

Q Where were you camped at that time? A Over here about, I can't think of the name of the place, over here in Arkansas.

Q Now, what year was that? A That was along, the war run a little while.

Q Fighting was going on then? A Yes, sir.

ROBERT WEBBER, the applicant, recalled: By Com'r Breckinridge:

Q What is this about your being with the Pin Indians? A I was a soldier.

Q Soldier in the army? A Yes, sir.

Q And you were captured were you? A Yes, sir.

Q And what did they do with you? A They took me to Texas.

Q You didn't go down to Texas with your Mistress, Akey Webber?

A No, sir, she was dead.

Q When did she die? A She died in '61.

Q Who did you belong to after your Mistress died? A I belonged to nobody, you see she died in '61 and I was still on the place.

- Q You don't know who claimed you at that time? A No, sir.
- Q Who had charge of the place? A Her son, Robin Webber.
- Q Well, did you recognize his authority? A Oh, yes.
- Q Well then when they took you down to Texas what did you do?
- A I drove teams.
- Q For whom? A The Southern Government.
- Q Did you find this woman down there? A Yes, sir.
- Q Did you find any of your people down there?
- A Found Charley Webber, son of Akey.
- Q Were you hired out to the Southern Government? A Yes, sir.
- Q Who did the hire? A Charley Webber I suppose.
- Q What did you have to do with Webber at that time?
- A They took me there and hauled and he was working for the Government.
- Q What did this young Webber have to do with it? A The war was nearly over and he said I could just stay there.
- Q Was he living in Gunter's neighborhood? A No, sir, he heard of me later and come over after me.
- Q Then you married this woman that belonged to Gunter? A Yes, sir.
- Q This woman Margaret? A Yes, sir.
- Q And went on up to Gunter in Benton County? A Yes, sir.
- Q Now, when you first came back from Texas you went to Benton County? A Yes, sir.
- Q And then from Benton County where did you go? A To the Cherokee Nation.
- Q Whereabouts? A On the Barren Fork.
- Q How far to the mouth of Barren Fork? A It must be about ten or 12 miles above.
- Q Well how long after you got there to Barren Fork was it before you ever had an occasion to go down to Fort Gibson?
- A I don't know, sir, how long I stayed at Barren Fork before I went to Fort Gibson.
- Q What neighbors did you have down there? A Duge Gunter and Wooten Looney.
- Q Is that the time you got with Louis Daniels? A Yes, sir.
- Q Did you go on that cattle hunt with them? A Yes, sir.
- Q After that where did you go? A I went back to Barren Fork.
- Q How long did you live there? A About four years.
- By Mr. Davenport:
- Q Bob, in giving your testimony a while ago how did it happen that you didn't say anything about being taken by the soldiers south?
- A You asked me how I got down there as I know of.
- Q Didn't I ask you if you didn't go down there with Caldine Gunter and family? A Yes, sir.
- Q Didn't you tell me on cross-examination that you had married this girl before you went south? A No, sir.
- Q And didn't you tell me that you lived; that Gunter lived about 35 or 40 miles from where Webbers lived and that Gunter lived in Arkansas and that you lived in Tahlequah? A Yes, sir.
- Q How many children has your wife got? A Yes, sir.
- Q How old is your eldest child? A 31.
- Q What time did you go to Texas when the soldiers took you there?
- A I don't know.
- Q When did you and your wife marry? A Shortly after we got there.
- Q How about the war, was it over? A No, sir, the war was going on.
- By Com'r Breckinridge:
- Q Who was Caldine Gunter's wife? A She was a Ward.
- Q Was she a Cherokee? A Yes, sir.
- Q Was Gunter himself a Cherokee? A No, sir.
- Q Where is Nancy Gunter living now? A She is living here.
- Q Where? A In Benton County.
- Q Has she lived there ever since the war? A I guess so.
- Q You never heard of her coming back?
- A No, sir, I never heard of her since

Com'r Breckinridge: The applicant applies for the enrollment of himself and wife. The applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. It appears that he was a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the Civil War. He was taken to the State of Texas and it is quite satisfactorily established that he returned to the Cherokee Nation in the year 1866, and that he has lived in the Cherokee Nation ever since. He states that he applied to the Cherokee National Court and at one part of his testimony he said what they deferred his case and decided in his absence and in another part of his testimony he said that he was told by the Court that he was rejected at that time because he had returned too late after the war. By this as it may be the present testimony given by witnesses who are considered credible indicates that he did return within the time required by the treaty of 1866 and no real valid objection is seen at this time to his enrollment, but inasmuch as he was omitted from the roll of 1880, and for the further consideration by the full Commission of the conditions stated, he will at present be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to him at his postoffice address.

As for his wife; she is identified on the Kern-Clifton roll, and her Mistress, Nancy Ward, it appears was a Cherokee woman prior to the war she was married to one Caldine Gunter who lived in Benton County, Arkansas, and she was there residing with her husband, and the applicant's wife was living with them in the State of Arkansas prior to the breaking out of the Civil War. She was taken to the State of Texas where she met the applicant and they were married and after the war she returned to Benton County, Arkansas, her husband going with her, and he alleges that prior to the time he has been shown to have been at Fort Gibson in the year 1866, he had brought his wife to the Barron Fork of the Illinois River in the Cherokee Nation and that they had there located.

Q Has your wife lived in the Cherokee Nation ever since you brought her after the war?

The weight of the testimony at present is that his wife by reason of the change of ownership that she underwent prior to the war and that was maintained in her case during the war, was not in a position to avail herself of the rights of Freedmen arising under the treaty of 1866. It may be, but it is not established, that Gunter and his wife were subsequently readmitted to Cherokee citizenship, but a decided weight of the testimony is that the wife of Caldine Gunter never resumed citizenship in the Cherokee Nation after taking up her residence in the State of Arkansas prior to the Civil War. Therefore, under these conditions there appears at present really no valid reason to justify the enrollment of the applicant's wife, Margaret, but for the further consideration of her case, as stated, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card; but the applicant has five children enumerated in the testimony all of whom have now reached their majority and whose rights perhaps depend primarily upon the status of the applicant and his wife. Now, it seems from the testimony that both the applicant and his wife were married previous to their marriage but that he was separated by the war and under the operation of the Insti

tution of slavery from his wife, and she was similarly separated from her first husband and that under those conditions they contracted marriage in the State of Texas while the war was going on. It is not considered that the strict meaning of the laws on marriage are applicable to people as the applicant and his wife at that time, and it is believed at present that the marriage contracted by him and his wife, Margaret, during the war and maintained continuously from that time until now is a valid marriage, and that these children should be considered the lawful children of the applicant and his wife and that they should enjoy in the absence of any testimony to the contrary, all the rights that may be finally established for the applicant himself.

SUPPLEMENTAL INTERROGATORIES by COM'R Breckinridge: The APPLICANT recalled:

- Q Are these children all the children of your wife, Margaret?
- A Yes, sir.
- Q How many of them were born in Texas, any of them? A The oldest one was born in Texas before we left.
- A Frank? A Yes, sir.
- Q And then Frank is older than you think he is? A That is what I call him, what I think he is.
- Q But he was born in Texas? A Yes, sir.
- Q Did Frank come with you and your wife? A Yes, sir.
- Q Come with you over to Barren Fork? A Yes, sir.
- Q Now, these other children were they all born in the Cherokee Nation? A Yes, sir.
- Q Have they always lived in the Cherokee Nation? A Yes, sir.

Mr. Davenport: The representatives of the Cherokee Nation protest against the enrollment of his wife, Margaret, for the reason that Cherokee card #423 gives the testimony of Nancy Gunter in full, who was alleged to have been the owner of the wife of the applicant at the time the war broke out, which testimony shows the continued residence of Nancy Gunter in the State of Arkansas for years up to and including the date of the giving of the testimony which was on the 25th day of September, 1900.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson
Subscribed and sworn to before me this 21st day of June, 1901.
Signed, T. B. Needles,
Commissioner.

Supplemental: Cherokee Freedman doubtful C30.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Robert Webber for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Appearances:

By, Mallette, of Mallette & Smith, for applicant:

Mr. Hastings, for the Cherokee Nation.

- Q Give me your first name. A Robert Webber.
- Q How old are you? A 35 years.
- Q Are you the husband of Margaret Webber? A Yes sir.
- Q You applied here a few days ago? A Yes sir.
- By Mr. Hastings:
- Q Who did you give as your owner? A Old Akey Webber.
- Q Did you belong to Akey Webber at the time the war come up?
A Yes sir.
- Q You know Jim Tittle at Vinita? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q Did you know his father, Daniel Tittle before the war? A No sir.
- Q When did you become acquainted with Daniel Tittle? A After I was taken prisoner.
- Q Who brought you back to this country? A I come with Mr. Gunter, as far as this place.
- Mr. Mellette:
- Q What Gunter was that? A Caldeen Gunter.
- By Mr. Hastings:
- Q Where did Caldeen Gunter live? A He lived up there at Siloam Springs, I guess that's the place.
- Q Arkansas? A Yes sir.
- Q You never belonged to Daniel Tittle before the war? A No sir.
- Q You never returned with him after the war? A No sir.
- Q Did you ever work for him? A I worked for him a little while.
- Q Before or after the war? A After the war.
- Q How long after the war? A In the spring of '65.
- Q Jim Tittle was at home at that time? A Yes sir.
- Q And he knows about it? A Yes sir.
- By Mr. Mellette:
- Q How close to the line did you come with old man Gunter? A It couldn't have been more than a mile, I came from his house to the line.
- Q Siloam Springs is right on the Cherokee line? A Yes sir.
- Q Is Caldeen Gunter the father of old man Gunter here at Vinita?
A Yes sir.
- Q John Gunter is a recognized citizen of the Cherokee Nation?
A Yes sir. When they had recognized him he told me he was admitted to, and one of the partners.
- By Mr. Hastings:
- Q Was admitted? A Yes, sir, at this court.

Com'r Brookinridge: This will be added as additional testimony to Freedmen doubtful land bill.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

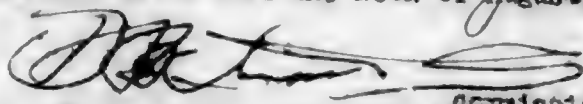
Signed, M. D. Green,

Subscribed and sworn to before me this June 20, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this 15th of August, 1901.

Bruce C. Jones

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 2 1901



ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of S. M. Wilson
for enrollment as Cherokee Freedmen;

Case No. F. D. 662

To S. M. Wilson, Hopewell, S. C.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Wenona Indian Territory, on Sept 18 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **SEP 20 1901**

J. B. Bell

N. M. Hastings
J. S. Davidson
Attorneys for the Cherokee Nation.

AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Sam

Webber

for enrollment as a Cherokee Freedman.

No. F. D. 663

Henry Paek, of lawful age, being duly sworn on
oath states that on the 20th day of September, A. D., 1901, he registered
to Sam Webber whose postoffice is Hayden

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Josh Gibson Indian Territory;
and that on the 28th day of September, 1901, he received the return
card which is hereto attached, signed by the said Sam Webber, showing
that he had received said notice.

Henry Paek

Subscribed and sworn to before me on this the 28th day of Sept, A. D. 1901.

J. C. Starr
Notary Public.

File with case of Sam Webber, C.F.-D.#663.

Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced on part
of Cherokee Nation:

APPEARANCES:

Mr. Smith of Counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Eliza Chandler.

Q Where do you live, Mrs. Chadler? A In Vinita.

Q How old are you? A 54.

Q Where were you living at the breaking out of the war?
A Arkansas.

Q Did you leave the State of Arkansas during the war and your
family? A Yes, sir.

Q Your father, what was his first name? A Caldine Gunter.

Q Did your father own any slaves at the breaking out of the war?
A Yes, sir.

Q Do you know whether or not he owned a woman by the name of Mar-
garet? A Yes, sir.

Q Do you know who she afterwards married and lived with as his
wife? A Yes, sir.

Q Whom did she live with Mrs. Chandler? A Bob Webber, he goes
by that name.

Q Do you know what became of Margaret during the war? A Yes, sir.

Q Where did she go? A We carried her to Texas with us.

Q Well, after the close of the war what became of her? A We
brought her back to Arkansas.

Q You got back to Arkansas in what year? A In '65.

Q How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A She only stayed a little
while; they moved up on Butler's creek.

Q Butler's creek, Territory or Arkansas? A Arkansas, at Mr.
Tittles.

Q Do you know what Mr. Tittles first name was? A Dan.

Q Did you know Bob Webber before the war? A No, sir, I first
seen him in Texas

Q And he came down there while you were in Texas? A Yes, sir.

Q Did he come back with you and your family? A Yes, sir.

Q Was he with Margaret when they moved up on Butler's creek in
Arkansas? A Yes, sir.

Q About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A It was in the winter of '65.

Q Now, Margaret as I understand was owned by your father at the
breaking out of the war? A Yes, sir.

Q You don't know of your own knowledge who owned Bob? A No, sir.

Q Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A No, sir.

Q They weren't citizens when they returned from the south, were
they? A No, sir.

MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian,
was she not? A Yes, sir.

Q She was readmitted to citizenship here I understood you to say
here in another case? A Yes, sir.

- Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November, I won't be positive.
- Q Not sure? A No, sir.
- Q Well, none of your family owned Robert Webber? A No, sir.
- Q Did you know anything about him before the war? A No, sir, did not.
- Q You say after the war he was married to a woman named Margaret? A It was in time of the war that they come to our house in Texas.
- Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife there, were they? A Yes, sir, after we come back.
- Q Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went that winter some time.
- Q You mean the winter in the year you returned? A Yes, sir.
- Q That was in '65? A Yes.
- Q How far from that place where they went to from where you lived? A About 25 miles.
- Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.
- Q Lived right on the line? A Yes, sir.
- Q You don't know of your own knowledge where Robert Webber was during the year 1865? A Well, he made a crop up there on Butler's creek and then he moved back that summer down to Pa's, and then he come down here in the Nation, or said he was coming and left his family there at our place until in the fall and then he come back and moved them down in the Nation, I reckon. I have seen her here since I have been in the Nation.
- Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir.
- Q They were free then? A Yes, sir.
- Q They could go wherever they wanted to? A Yes, sir.
- Q And they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.
- Q Now, you can't state of your own knowledge either when Robert Webber or his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.

JOHN T. GUNTER, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A John T. Gunter.
- Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.
- Q How old are you? A 46.
- Q Where were you living at the time war broke out? A Living in Benton County, Arkansas.
- Q Your father's name was Caldine Gunter? A Yes, sir.
- Q Did your father own a slave, a woman, at that time by the name of Margaret? A Yes, sir.
- Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a man named Adam.
- Q What became of Margaret during the war, if you know, Mr. Gunter? A My father took her to Texas.
- Q How long did she stay there? A Until 1865 when we returned to Arkansas.
- Q Did you have her and the fellow by the name of Bob Webber? A Yes, sir.
- Q Did he and Margaret live together as man and wife? A Yes, sir.
- Q Where did you first see Webber? A Hopkins County, Texas.
- Q How long did he stay there? A He stayed there until '65, drove a team back for my father.
- Q To what point did you come? A Benton County, Arkansas.

Q Were your family citizens of the Cherokee Nation at that time?

A No, sir.

Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.

Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Dan Tittler near Sulpher Springs.

Q What place? A Benton County, Arkansas.

Q Do you know how long they stayed there? A They went there in the winter of '65 and stayed until the fall of '66, made a crop at Dan Tittles; I don't know whether they made a crop or not.

Q Well, what became of them then? A Along in the fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old smoke house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone, quite a while, I don't know where he was, here in the Territory somewhere he said he was going.

Q That was the winter of '66? A Yes, sir.

Q What took place after that? A In the spring of '67, he moved his family here.

Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.

Q You don't know anything about him, about as to who he belonged?

A Only what he told me; he said he belonged to the Webbers.

Q Margaret belonged to your father? A Yes, sir.

MR. SMITH: What Webber did he say he belonged to? A I don't know.

Q Was there an Akey webber? A I don't know of her.

Q You weren't acquainted with her? A No, sir.

Q You weren't in the Cherokee Nation before the war? A No, sir.

Q Didn't live here? A No, sir.

Q Now you say, Mr. Gunter, Bob webber, this applicant moved his family into the Territory in the spring of '67? A Yes, sir, in the spring of '67.

Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.

Q You can't be positive as to the month? A No, sir.

Q Was it as early as first of the year, '67? A No, sir, grass was up, cattle was grazing on the grass, and the reason I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and got her off of the grass; it was a young calf, he took them with him.

Q Robert webber had made preparations to made to the Cherokee Nation before that? A I think he went to George Roach's on Barron Form before that.

Q That was in the winter of '66? A Yes, sir, at least he was gone quite a while.

Q That is where he said he was going? A That is where he said he was going.

Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.

Q That was in what year? A 1860.

Q This woman, Margaret, that used to belong to your father was this man's wife? A Yes, sir, lived with her.

Q This man you speak of her having been with that was in Slavery times? A Yes, sir.

Q What became of Adams? A He went to Kansas I was told.

Q Who did Adams belong to? A Belonged to my father.

Q Why didn't he go with your father? A He went away before we refuged.

Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them lives up here at Fort Scott.

- Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?
A Yes, sir.
- Q No marriage about it? A No, sir.
- Q They were separated from each other by the exigencies of war?
A Yes, sir.
- Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.
- Q You never seen him? A No, sir.
- Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he come with Dan Tittles and Jim.
- Q Do you know whether the Pin Indians ever got him or not? A No, sir.
- Q Did you ever hear? A No, sir, I heard Dan Tittles bought him and took him to Texas; the Pin Indians didn't come that way.
- Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.
- Q All you know about Robert We bber is that he came to Texas?
A No, sir.
- Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.
- Q And you say she was brought up in the Cherokee Nation?
A Yes, sir, she was born and raised in the Cherokee Nation.
- Q Was she in the Cherokee Nation when she married? A Married just across the line.
- Q Living in the Cherokee nation when she married? A Yes, sir.
- Q And when she married your father went across the line of Arkansas to live? A Yes, sir.
- Q During the time of the war did she claim to be a Cherokee Indian?
A Yes, sir.
- Q Draw money? A Drew money in '53 I believe it was.
- Q What money was that? A Old settler money.
- Q Did she exercise any other rights of did any of your family before the war? A No, sir.
- Q You didn't live in the Cherokee Nation? A No, sir; never except her mother and brothers and sisters, none of our immediate family.
- Q But in the year 1880 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.
- Q Mr. Gunter, can you state whether there were many or few of these Acts of Adm ssion? A Admitting people to citizenship?
- Q Yes? A Yes, sir, there were a great many.
- Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.
- Q That is she stated she had forfeited it, you don't know whether she forfeited or of not? A That is her understandng.
- MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.
- Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.
- Q Your father was not a citizen of the Cherokee Nation?
A No, sir.
- MR. NEEDLES: What was your father's property was your mother's?
A I don't know.

Com'r Needles: This testimony will be mad part of the case at bar and made part of the record in D.#663, D.#628, D.#691, and D.#680.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this October 19th, 1901.



Commissioner.

File with case of Sam Webber, C.F.-D.#663.
Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER as a Cherokee Freedman: Introduced on part of the
Cherokee Nation:

APPEARANCES:

Mellette & Smith, Attorneys for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. M. Tittle.

- Q What is your post office? A Vinita.
- Q How old are you? A 55
- Q Do you know Robert webber, the applicant in this case?
A Yes, sir
- Q How long have you known him? A Ever since about '63, '62 or '3
- Q Did he ever be long to any of your family? A He belonged to
my father.
- Q Where did your father live? A He lived in Benton County, Ark-
ansas.
- Q Did your father move away from Benton County, Arkansas?
A No, sir..
- Q Did they go south during the war any of your family, or do you
know? A My family stayed there, but we went south.
- Q Well, what became of Bob during the war, if you know?
A We taken him south.
- Q Well, did he come back? A Yes, sir.
- Q Where did he go to? A Come up to our place.
- Q Where was that? A In Benton County, Arkansas.
- Q How long did he stay there with you? A He come there in the
fall of '65 and stayed until the fall of '66.
- Q At that time where was your family residing? A In Benton
County, Arkansas.
- Q How long had they been residing in Arkansas? A About 15 years.
- Q Were they or were they not recognized citizens of the Cherokee
Nation? A Not then, we was outside of the Cherokee Nation then
- Q Well, after the close of the war you say you returned back to
your old home place, in Benton County, Arkansas? A Yes, sir.
- Q Did you ever move back to the Cherokee Nation? A Yes, sir.
- Q What year did you move back? A We come back in '67.
- Q Were they recognized citizens of the Cherokee Nation or was there
some action taken to the establishing of right? A We had to es-
tablish a right; my father was admitted and remarried after he came
back to the Cherokee Nation.
- Q Was it your father had the Cherokee blood or mother? A Mother.
- COM'R NEEDLES: She was readmitted in 1867? A Yes, sir.
- MR. DAVENPORT: Did your father marry again? A Yes, sir;
he married and went out and come back and married again.
- Q Do you mean he was married twice according to the laws of the
Cherokee Nation? A He married and went off and come back and mar-
ried again.
- MR. SMITH: Where did your father marry first? A In the
Cherokee Nation.
- Q Married according to the Cherokee laws then? A Yes, sir.
- Q Now, what year was that? A That was, that would be in '55 I
guess it would be.
- Q About what year? A About 56 years ago, I would have to count it

- up; it was in '46.
- Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.
- Q Now, then, when he married he was a citizen? A Yes, sir.
- Q How long did he continue to live in the Cherokee Nation?
- A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.
- Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old settler payment.
- Q Your family ~~all~~ drew money in the old Settler's payment?
- A Yes, sir.
- Q In what year was that? A I think that was in '52; '1 or '2.
- Q How long after that was it before you went into Arkansas?
- A Right away after that.
- Q How many years? A Oh, I guess probably inside of a year or such matter.
- Q Where did you live in Arkansas? A Benton County.
- Q How far from the line? A What line, Arkansas line or Missouri line.
- Q The Cherokee Nation line? A It was about ten miles from Cherokee line and three miles from Missouri line.
- Q What was your father's name? A Dan Tittle.
- Q Who did your father get this man from? A Fellow by the name of John Grimmitt.
- Q When did he get him? A About '62.
- Q Where did he get him from? A Down here about Mayesville.
- Q Who is Grimmitt? A He is said to be the oner of Bob, who he bought him from.
- Q Where did Grimmitt live? A He lived down there in the Nation somewhere.
- Q He was a Cherokee, Grimmitt was? A I don't know whether he was or not.
- Q Did you ever know Grimmitts? A No, sir.
- Q Well, do you know what date it was that he bought this man?
- A I think it was in '62 I think.
- Q It was after the war had commenced? A Yes, sir.
- Q It might have been in '62? A It was in '62. somewheres along there as well as I remember about it.
- Q You think it could not have been as late as 1854? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas river and come back there and found Grimmitt and bought him.
- Q It was either in '62 or '63 your father bought him? A Yes, sir.
- Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.
- Q Do you know who he had been captured from? A Only what he said; he said he belonged to as well as I remember, he belonged to Mrs. Webber, and Mrs. Grimmitt was ~~axxxxxx~~ daughter of Mrs. Webber.
- Q What was Webber's name? A I don't know.
- Q Did you ever know an Akey webber? A No, sir.
- Q Akey Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.
- Q Now, you claim that your father owned this man in '62 or '63?
- A Yes, sir.
- Q Where did he own him? A Benton County, Arkansas.
- Q Who lived near him when he owned him? A In the settlement there?
- Q Yes. A The nearest fellow in the neighborhood was a man by the names of Wells, and Thomas
- Q Are they living there now? A I guess they are all dead now.
- Q Does anybody but you know that your father owned this man?
- A Yes, sir.
- Q Who? A Will Thompson, living at Bentonville, Arkansas, and

Eph Thompson that lived on Butler's creek where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '66.

Q Well, it was a man named Grimmett that your father underook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grimmett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: As I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And when did he come back to the Cherokee Nation? A He come back in '67.

Q And was re-admitted? A Yes, sir.

Q And this darkey was not with him then? A No, sir.

MR. SMITH: Now, Mr. Tittle, you lived in Arkansas after you went out after the old Settler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they jept hunting him.

COM'R NEEDLES: He refuged over there? A Yes, sir, he stood his trial and come clear.

Q Where did he stand his trial? A Right on the line right close to High Cose at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the State? A Killed an Indian in the State and tried him right at the place he killed him.

Q Then he killed the Indian he was living in the Cherokee Nation? A No, sir, he was living in the State; right within a quarter of where he killed him; but I had been born in the Nation.

MR. SMITH: What Court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a Court there? A I don't know; they tried him at Cal Gunter's right on the edge of Lindsey's prairie.

Q It is the regular Circuit Court in Benton County, Arkansas, tried him? A I could not tell you; they come there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a Court of the State of Arkansas? A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time? A I can't tell you anything about that, that waw where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee Nation? A He was not at that time was tried because he was living in the State of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

MR. DAVENPORT: This was a trial before a Justice of the Peace?

A I don't know, they had a trial and he come clear. I was a small boy, about five years old; there was about three hundred men with him and the Indians had gathered five or six hundred with them, and he was tried right there at the line.

Com'r Needles: This will be made part of the record in the case at bar, and also D-628, D-663, D-691, D-680.

--4--

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

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IV

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NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

W. M. Hobbs,
Hayden, I. T.
1902-65.
1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee F.D-663

Muskogee, Indian Territory, May 19, 1903.

E. B. Lawson,
Attorney at Law,
Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 2, requesting that there be forwarded to you a copy of the testimony in the application for the enrollment of Sam Webber as a Cherokee freedman.

This testimony is enclosed you herewith, together with a blank receipt for same, which you are requested to sign and return to the Commission.

Respectfully,

Chairman.

Enc. D-4

COPY

Cherokee Freedmen
D-383 et al.

Muskogee, Indian Territory, January 26, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 5, 1905, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Suelie Whitmore; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Yannie Chatman; Evaline Jimison, Henry Caesar, and Eliza Rogers, and rejecting the applications for the enrollment of Etta, Alonzo, Freddie, Keynard, Howard, Tessie, Harvey, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Gera, Floyd, Neulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

SIGNED: *Tams Bixby.*

Chairman.

Encl. 1-12.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-000, et al.

Muskogee, Indian Territory, January 5, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1905, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Wannie Chatman, Evaline Jimison, Henry Caesar and Eliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

-2-

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGN) *James Bixby.*
Chairman.

Encl. K-8.

CCP.

Cherokee Freedmen
D-663.

Muskogee, Indian Territory, January 26, 1905.

Sam Webber,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for your enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-10.

Register.

(SIGNED)

Tams Bixby.
Chairman.

COPY.

Nuskogee, Indian Territory. February 20, 1905.

The Honorable,

The Secretary of the Interior,
Washington, D.C.

Sir:

Referring to Departmental letter of January 3, 1905 (I.T.D. 274-1905), you are respectfully advised that the record in the matter of the application for the enrollment of Sam Webber et al. as Cherokee Freedmen, together with the Commission's decision, dated January 5, 1905, was forwarded to the Department on January 26, 1905.

Respectfully,

(SIGNED). *Tame Bixby.*
Chairman.

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, September 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of September 14, 1905 (I. T. D. 720-1904, 274-1905), calling attention to Departmental letter of January 23, 1905 (I. T. D. 274-1905), in which it was requested that this office transmit, as early as practicable, the application for the enrollment as a Cherokee freedman of Sam Webber. Departmental letter of September 14, 1905, states that this case has not yet been received by the Department, nor has any report in the matter been received, and it is again requested that a report direct to the Department be made upon this matter at the earliest practicable date.

In reply I have the honor to state that the record in connection with this case shows that in response to Departmental letter of January 23 (3), 1905, the Commission to the Five Civilized Tribes advised the Department under date of February 20, 1905, that the record in the matter of the application for the enrollment of Samuel Webber et al., was forwarded to the Department, through the Commissioner of Indian Affairs, on January 26, 1905.

Secretary---2.

For further information of the Department it is stated that the application of Sam Webber for enrollment is embraced in the consolidated application of Etta Manley et al.

Respectfully,

G.H.U.
DIRECT.

Acting Commissioner.

Cherokee Freedmen

D-663, et al.

Muskogee, Indian Territory, March 24, 1906.

Preston S. Davis,

Vinita, Indian Territory.

Dear Sir:

In reply to your letter of March 21, you are advised the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting the applications for the enrollment of Sam, Josh and Robert Webber, Ella Whitmire and Kate Manley as Cherokee freedmen, was, on that date, forwarded to the Secretary of the Interior, where the case is now pending.

It is noted that you state you are attorney for these persons, and there are inclosed herewith notices to this office of attorney employed, which you are requested to have the applicants sign and return to this office and you will then be entered as attorney of record for them.

Respectfully,

Incl. S-81

Acting Commissioner.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
8564-1905.
14810-1905.

March 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to

Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Waynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1860 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitmire, Sam and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1866 and have continuously resided in the Cherokee Nation since birth. the minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation

since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitmire are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1880 and have continuously lived with their mothers since birth.

The record shows that the applicant, Frank Webber, died
June 13, 1901.

In view of the record the approval of the Commission's
decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR,

D.C. 22188

WASHINGTON.

PHE.

I.T.D. 3843, 4575, 8743-1905.

8745, 8903, 8905- "

3344, 8907- "

10611, 12908- "

May 31, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 26, 1906, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Hannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston S. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
D 363 et al.

COPY

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvet Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

M.A.

WENED. *Tams Bixby.*
Commissioner.

Cherokee Freedmen
D353 et al.

COPY

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmore, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed
herewith a copy of the Departmental decision referred to.

Respectfully,

Encl. A-93.
M.A.

SIGNED: *James Bixby*
Commissioner.

Cherokee Freedmen
D 663.

COPY

~~Muskogee~~ Indian Territory, June 8, 1906.

Sam Webber,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, your application for enrollment as a Cherokee freedmen, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of the Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified. Respectfully,

M.A.

W. M. B. (NEED)
James Blakely
Commissioner.

REGISTRY RECEIPT

Post Office at

Registered Letter No. _____
Parcel No. _____

Recd.

of

addressed to _____

FT. GIBSON, I.T.
SEP 20 1901

1901

Hubbard Rosa, P. M.

P. M.

Cher Fr 1513

Cher Fr 1513

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
Chelsea, I. T., June 11, 1901.

In the matter of the application of Josh Webber for the enrollment of himself and wife as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your name? A Josh Webber.
Q How old are you? A 33.
Q What is your post-office? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A No sir, my wife is a state woman.
Q And you have no children? A No children.
Q When did you marry your wife? A '95, about August 10th or 11th, I don't know which.
Com'r: You had better apply for her; there may be rights, and that's early enough.
Applicant: But I didn't get no certificate.
Com'r: Well, you didn't have to do that with a woman.
- Q How long have you lived in the Cherokee nation? A All my life, that I can recollect.
Q Give me the name of your father? A Bob Webber.
Q Is he living? A No sir.
Q Give me the name of your mother? A Margaret Webber.
Q She is alive, is she? A Yes sir.
Q Give me the name of your wife? A Mary Webber now.
Q How old is she? A She is 34.
Q When did you marry her? A In 1895.
Q About August you think, 1895? A Yes sir.
Q Did you ever get a certificate of marriage? A No sir, never did
Q She is a state woman, you say? A Yes sir.
Q Were you ever married before you married this wife? A No sir.
Q Was she ever married before she married you? A Yes sir.
Q How many times? A Only once.
Q Give me the name of her first husband? A George Washington was her first husband.
Q When did she marry him? A In '84.
Q Is he dead? A Yes sir.
Q When did he die? A He died, I don't know exactly when he did die, but I think it was along in the winter of '94; that's as close as I can recollect.
Q He was dead when you and your wife married? A Yes sir.
Q Did they live together until he died? A Yes sir.
Q Where did she marry George Washington? A In parsons, Kansas.
Q And where did he die? A Here on Lightning Creek, here at Hayden.
Q Where is your wife? A She is at home.
Q Who is there here now who knows about you and your wife being married? A My father.
Q You didn't get a certificate at the time you were married? A No sir.
Q What preacher married you? A Sam Webber.
Q Can you get a certificate from him stating when he married you? A I guess I can.
Q Have you and your wife lived in the Cherokee Nation ever since

Josh Webber, et al--2

- you were married? A Yes sir.
- Q And are living together at this time? A Yes sir.
- Q Have you any recollection of ever having lived outside of the Cherokee Nation? A Yes sir, I lived out of here three weeks, I was up in Kansas about three weeks, up here above Coffeyville.
- Q When was that, how long ago? A It has been about three years ago, since I married.
- Q What were you doing up there? A I was just fooling around up in Kansas there.
- Q Just on a little trip? A Yes sir.
- Q You never located there? A Oh no sir.
- Q You are not a step-son of Robert's? A No sir.
- Q You are a step-son of Margaret's? A No sir.
- Q You are a full brother of Frank? A Yes sir, and Sam.

1860 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon;
1896 census roll of citizens of the Cherokee Nation examined for applicants and names not found thereon.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 180 #4433 Joshua Webber, Cooweescoowee District.

Com'r. Breckinridge: The applicant applies for the enrollment of himself and his wife; the applicant is identified on the Kern-Clifton roll, and states that he has lived in the Cherokee Nation all his life, except a trip of about three weeks in Kansas, which of course is not material. He is 33 years of age; he is not identified on the roll of 1860 or on the roll of 1896; he is a child of Robert and Margaret Webber, whose case is Cherokee Freedman D-630. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and a copy of the testimony in the case of his father and mother above cited will be filed with his case;

The applicant's wife is a state woman; it seems that she was once previously married, but that her former husband was dead when she married the applicant, and that he and she were married in August, 1895; he states that he was never previously married, and that he and his wife have lived together in the Cherokee Nation ever since their marriage; she will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, to await the determination of the status of her husband, and also satisfactory proof of marriage between herself and the applicant; for the consideration in connection with such evidence of such rights as she may possess as an intermarried Cherokee Freedman; the final decision of the Commission in regard to the applicant and his wife will be made known to him at his post-office address.

SUPPLEMENTAL, to judgment:

ROBERT WEBBER, being sworn and examined by Com'r. Breckinridge, testified as follows:

- Q Give your name? A Robert Webber.
- Q How old are you? A 35.

- Q What is your post-office? A Hayden.
Q Are you the father of this applicant here? A Yes sir.
Q Your son Josh is married? A Yes sir.
Q How many times has he been married? A Just once.
Q What was the name of his wife when he married her? A I can't tell you, I don't know her people.
Q About when were they married? A In '95.
Q About what time in the year? A I think it was in the fall.
Q What time in the fall? A I think it was in the fall.
Q Had you finished picking cotton, or do you pick cotton up here?
A No sir, we don't pick cotton up here.
Q What do you gather in the fall? A Corn.
Q Had you gathered corn yet? A No sir, we hadn't gathered corn yet.
Q Are you sure it wasn't any later than fall? A No sir, I don't think it was any later than the first of the fall.
Q First of the fall? A Yes sir.
Q That as near as you can say? A Yes sir.
Q Have they been living together ever since? A Yes sir.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this June 21, 1901.

(Signed) T. B. Needles
Commissioner.

6

1001 22 13
1001 22 13

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *Sept 11 1891*
Post Office *W. J. ...*
District *...*

1. Name *Josh. Hobbs* Age *33*
Owner's name
Year *...* Page *180* No. *4433* District *...*

Parents:
Father *Bob McLeod* dead Citizenship *...*
Mother *Margaret* alive Citizenship *...*

2. Name of wife *Mary Hobbs* Age *34*
Owner's name
Year Page No. District

Parents:
Father Citizenship
Mother Citizenship

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *...* Stenographer *...*
No 1 on ...

Copy of marriage to be supplied
Certificate of marriage to be supplied

File with Cherokee Freedmen, D-691, Joseph Webber

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Robert Webber for the enrollment of himself and wife as Cherokee Freedmen; said Webber being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Appearances:

Messrs. Mellette & Smith for Applicants.
Mr. J. S. Davenport for Cherokee Nation.

- Q Give me your name? A Robert Webber.
Q How old are you? A About 65.
Q What is your postoffice? A Hayden.
Q In what district do you live? A I live in Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A My wife.
Q Is that all? A My children.
Q How many children? A Four.
Q You have got four children that are under 21? A No, they are all married.
Q Then it is just you and your wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, born here.
Q Were you out during the war? A Yes, sir.
Q What time did you come back? A I come back in '66.
Q Have you lived hereever since you got back in 1866? A Yes sir.
Q Were you the slave of a Cherokee citizen when the war broke out?
A Yes, sir, I was the slave of old Akey Webber.
Q Was she a recognized citizen of the Cherokee Nation?
A Yes, sir, full blooded Indian.
Q What time did you come back in 1866? A Along in the summer.
Q To what point did you come? A I come on the Barren Fork in Tahlequah District.
Q You came right to Barren Fork? A Yes, sir.
Q Give me the name of your wife? A Margaret.
Q How old is your wife? A She is about 66.
Q When did you marry her? A In time of the war.
Q Was she a slave of a Cherokee citizen when the war broke out?
A Yes, sir.
Q Whom did she belong to? A John Gunter's mother.
Q What was her name? A Nancy Ward.
Q Was she a well known and recognized citizen of the Cherokee Nation? A Yes, sir, I guess so, she always drew money with them
Q Did this woman, Margaret, go with you to Kansas? A No, sir, we was in Texas together.
Q You didn't go to Kansas? A No, sir.
Q She went with you? A That is where I found her when I got her.
Q You married her down there? A Yes, sir.
Q Was she there with a Cherokee by blood? A Yes, sir.
Q Did the Wards have her there? A Yes, sir.
Q Did she come back with you? A Yes, sir; I brought her back.
Q Has she lived in the Cherokee Nation ever since? A Yes, sir.
The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 180, #4430, Robert Webber, Cooweescoowee District.
Page 175, #4388, Margaret Webber, Cooweescoowee District.

Q Now, how does it happen that neither you nor your wife is on the roll of 1880? A Well, I guess they just didn't want to put it on there.

Q What reason did they give? A Didn't give any reason.

Q Did you talk to them about it when they come around? A Yes sir.

Q What did they say? A Didn't say anything, said they would put it down.

Q Did they tell you it was all right or they didn't know?

A They didn't know; wasn't but one man told me it was all right and that was Rufus Ross.

Q Did you ever go to Tahlequah and see about having your rights recognized? A Yes, sir.

Q When did you go? A When John Chambers was Judge.

Q Did you attend his court? A Yes, sir, he sent a summon for me.

Q Did you have proceedings there before his court? A Yes, sir.

Q And what was the result of the proceedings? A He put me off for two or three weeks.

Q And then what did they do? A When I went back they had done tried me and put me on the doubtful roll and I said it was a poor way to try a man and him absent.

Q Did they question you when you first went there? A No, he just talked some when I went there and told me all he wanted was good evidence.

Q Did he examine any witnesses? A No, sir.

Q Did he ask you about when you come back and all about it?

A Yes, sir.

Q Asked you all about it at that time? A Yes, sir.

Q He took your own evidence? A Yes, sir; I got to the door and he got to talking Cherokee to me and we stood there talking Cherokee a long time and he said we will put it off for two weeks and I returned inside of two weeks.

Q Did you take any witnesses? A Yes, sir, they are dead now.

Q Did you take them back in that two weeks? A No, sir, they lived down the e.

Q Did they live at Tahlequah? A Yes, sir.

Q You had them there at the end of two weeks did you? A Yes, sir.

By Mr. Mellette:

Q Who did you come back with? A I come with a fellow by the name of Web Crittendon.

Q Where is the first point you struck in the Cherokee Nation when you came here? A The first point I struck was on the Illinois River by Mr. Musgrove's; I come down the big road, down Lindsey's prairie.

Q Where did you come from? A I come from Caldine Gunter's.

Q In what State? A That was in Arkansas he lives, I moved him there.

By Commissioner Beckinridge:

Q You moved him from where? A From Texas.

Q How long did you stay at Caldine Gunter's? A I stayed there that winter, in '65, and in '66 I left them, told mother there was a limit and I had better get back.

Q Is that up in Washington County, Arkansas? A Benton County I think.

Q Did you stay there as much as a year? A No, sir.

Q What time of the year was it you got there? A In the winter.

Q And what time did you leave? A I left in the Spring.

Q The following Spring? A Yes, sir, the following spring.

Q You came to Gunter's from Texas? A Yes, sir.

Q About what time in the winter? A I don't know just exactly.

Q Well about how long after Christmas? A Oh, I guess it must have been a week or two after Christmas.

Q How did you happen to leave Texas and go up to Gunter's?

A He was coming back and he said he would bring me back.

Q Was the war over? A Yes, sir, peace was declared in '65, I drove teams for him.

Q Had Gunter been in the Confederate army? A No, sir, he hadn't been in any army at all; he stayed with his family.

Q There was no fighting when you came back? A No, sir, the war was ended but it was little kinda squally times yet.

Q Who came with you and the Gunters? A Fellow by the name of Crittendon.

Q How long had the war been over when you went to Gunters?

A Peace was declared in '65; I was with Gunter there in Texas when peace was declared, we started back home that same summer.

Q Have you lived in the Cherokee Nation ever since you came to it from Gunter's in Arkansas? A Yes, sir.

Q Was your wife with you at Gunter's? A Yes, sir.

Q Did she come with you from Gunter's to the Cherokee Nation?

A Yes, sir, I moved her down from Gunter's to the Cherokee Nation.

By Mr. Davenport:

Q Now, Robert, did you belong to Caldine Gunter at the breaking out of the war? A Yes, sir.

Q You belonged to whom? A Old Akey Webber.

Q Where were you living with reference to Caldine Gunter and family when the war broke out? A I was living down here by Tahlequah.

Q How far from Gunter's? A About 35 or 40 miles.

Q They were living at what is known as Siloam Spring? A Yes, sir.

Q You went south to Texas during the war? A Yes, sir.

Q And you came back to Arkansas with Caldine Gunter and his family?

A Yes, sir.

Q Do you remember the names of Caldine Gunter's children that were living then? A Yes, sir, I know part of them, John T. Gunter.

Q He lives here at Vinita? A Yes, sir.

Q Do you remember his oldest daughter's name? A Ann Eliza.

Q Mrs. Doctor Fortner at Vinita? A Yes, sir, and Eliza was out cow driver.

Q When you applied to the Chambers Court in 1871 to be admitted, you were decided against, of course, you had returned too late?

A That is what they said.

Q Now, when you came back to the Nation whose farm did you come to first? A I went to the old Roach farm on Barren Fork, the George Roach's farm.

Q He was living there? A Yes, sir.

Q He is now living down in there? A Yes, sir.

Q He would know when you got back? A Yes, sir, he ought to know I made a crop there.

Q In giving your testimony before you didn't state that you returned to Caldine Gunter's in 1866? A No, sir, I didn't.

Q How long did you live on the Roach place on Illinois river in that country there? A I lived down in that country four or five years.

Q Who else of the Cherokee families were living there when you returned to the Roach place? A Nan Roach and John Roach and Sallie.

Q Were there any other Cherokee families there other than the Roach family? A Aaron Crittenden.

Q How far is this Roach place from Tahlequah? A Ten miles.

By Com'r Breckinridge:

Q Where was Caldine Gunter living when the war broke out?

A He was living there where I left him I guess.

Q A Siloam Springs, Arkansas? A Yes, sir.

Q Was your wife living with him? A I guess so, I didn't know anything about her when they were living there.

Q You met her in Texas? A Yes, sir.

Q Well, was she living with Caldine Gunter in Texas? A Yes, sir.

Q And she belonged to Caldine Gunter at the time she went back with Caldine Gunter to his house? A Yes, sir, she was in the family.

Q Now, you and your wife have a lot of children? A Yes, sir.

Q They are of age? A Yes, sir.

Q They may need to claim in your case so I will take their names now; give me their names? A Frank Webber.
Q How old is Frank? A About 37.
Q And then the next child? A Katie but then she went in with her husband.
Q She is with her husband? A Yes, sir.
Q What is her present name? A She is a Manley now.
Q Has she already applied? A Yes, sir.
Q Now the next child? A Josh.
Q How old is Josh.
Q How old is Josh? A 33.
Q Now the next child? A Sam.
Q How old is Sam.
Q Now, the next child? A Ella, you get her down with her old man, Ella Wright.
Q Has she applied yet? A Yes, sir, told me to speak to you about it; she was down with him, Walter Wright, I guess he put his name down.
Q What is the name of Katie's husband? A Joe Manley.
Q Which one comes next to Ella? A That is all.

LOUIS D. DANIELS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Louis D. Daniels; age 56; postoffice, Claremore.
Q How long have you lived in the Cherokee Nation? A All my life, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q Do you know this applicant here? A Yes, sir.
Q Did you know him before the war? A No, sir, I got acquainted with him after the surrender.
Q Where did you first meet him after the surrender? A In Fort Gibson, sir.
Q When was that you met him in Fort Gibson? A That was in the summer of '66.
Q That was the first time you met him was it? A For me to know him.
Q What were the circumstances of your meeting, were you acquainted with him? A There were eight or ten of us going to go out and hunt some meat and kill some beeves, we was allowed to kill beeves by going to see the chief and getting a permit, and we come up to Grand river and got an order from Chief Downing to kill some beeves and Bob was in the crowd with me.
Q This man, Bob? A Yes, sir, there were several of us, there is six living now.
Q Did he go with you to kill the beeves? A Yes, sir.
Q And you remember of his being in that party? A Yes, sir, and every man remembers it that is living.
Q Were there any other times that you have met him? A Yes sir, I have met him since that; after he left Fort Gibson I don't know exactly what time I met him in '68 on Barren Fork; I was going by there to buy some hogs and I stayed all night with him in the Cherokee Nation, about 15 miles the other side of Tahlequah.
Q Where was he living when you met him in Fort Gibson? A He was staying with his brother, I guess, I didn't ask him.
Q Where was his brother living? A Right in Fort Gibson, Duds Webber.

By Mr. Davenport:

Q Now, Louis, the first time you remember seeing Bob here in the Cherokee Nation from the time you went to get an order from Louis Downing to kill some beeves - ? A I may have seen him before that, but I didn't know it was Bob Webber.

ROBERT WEBBER, the applicant, recalled; By Com'r Breckinridge.

Q These children you have named are five children are they all the children of your wife, Margaret? A Yes, sir.

Q Were you ever married before you married Margaret? A Yes, sir.

Q Back in old slavery times? A Yes, sir.

Q Was your wife dead? A No, sir, but we are parted, she is right down here now.

Q Your wife, Margaret, had she been married before? A Yes, sir.

Q Had she been parted by the war? A Yes, sir.

FRANK ROSS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Frank Ross.

Q How old are you? A 53.

Q What is your postoffice? A Hayden.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Are you on the roll of 1880? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war came on?

A Yes, sir.

Q Did you know this applicant here, Robert Webber, before the war?

A No, sir.

Q Did you meet him after the war? A Yes, sir.

Q Where and when did you first meet him after the war?

A Met him down here on Pryors Creek.

Q What was he doing down there? A Hunting beeves, cattle.

Q When was that? A In '66, in August.

Q Who were with you? A Louis Daniels and Huse Rogers and Dude Webber and George Ross, that is all I saw; I didn't go down to the camp, I met them out on the prairie.

Q Did you hunt with them? A No, sir, I had been hunting, I was going on home when I met him.

Q Have you seen much of him from that time on? A Yes, sir, I have seen him off and on ever since that time.

Q Has he always continued to live in the Cherokee Nation?

A Yes, sir.

By Mr. Davenport:

Q You didn't leave the Nation did you, Frank, during the war?

A I was out about eight months altogether.

Q When did you return? A '66.

Q What time of the year? A In March.

Q Where were you living at the time the treaty was made?

A I lived down here on Pryors Creek.

Q What place? A Down there, this side of where the railroad crosses.

Q Was there anyone living there at that time? A My owns lived there, my father and mother.

Q Wasn't any improvements there on the farm? A None except what we put there.

Q When did you put them there? A We moved up there in the fall of '66, we moved from the Rider place to Pryors Creek.

Q You moved up there in the fall of '66? A Yes, sir.

Q There were not any improvements there when you moved there?

A No, sir, I was hunting beeves.

Q You had got an order from the Chief to hunt Beeves? A I lived right there by the Chief.

Q What Chief? A Downing.

Q That was in August, 1866? A Yes, sir.

Q What time in August, '66? A About the first of August.

Q When did Louis Downing become Chief? A He was only acting Chief then, he run the next coming year, because I voted for him; didn't vote for him either, voted for Bill Ross.

Q You remember distinctly it was in 1866? A Yes, sir.

Q Where was Robert Webber living then? A I don't know, he come from down below there

Q You never asked him any questions about that? A No, sir, I knew Louis Daniels and all of them and I knew George Ross because we was raised together.

Q That is the George Ross that lives down here about Claremore?
A Yes, sir.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name is Sam Webber is it? A Yes, sir.

Q How old are you? A About 58.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and raised here and come back in '66 here.

Q Are you on the 1880 roll? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.

Q Did you know this man, Robert Webber before the war broke out?
A Yes, sir.

Q To whom did he belong? A Akey Webber, same woman I belonged to..

Q She was a recognized Cherokee citizen was she? A Yes, sir; talked all Cherokee, could not talk any English.

Q Did this man go out with you when the war came up?

A No, sir, I found him with the Pin Indians. When they pulled up and went north I found him with them when they went there.

Q Where was that? A That was somewheres near on the line, Arkansas line, where I found him when I went to him.

Q When was that? A That was ~~XXXXXXXXXXXX~~ along sometime near the war commenced.

Q He was with the Pins? A Yes, sir, when I seen him.

Q What did you see of him after that? A He was taken prisoner and was taken off and I didn't see him any more; His wife come to Kansas and said they come and got him at their house one night and I never seen him any more.

Q His wife come to your house? A Come to the soldiers' quarters.

Q Who did she say took him? A The Bushwhackers.

Q And they took him north? A No, sir, taken him south what she said.

Q And you don't know what they did with him down there? A No sir.

Q When did you see him after the war? A I saw him here along after the war when I lived up here he come up to see us.

Q That was two or three years after you got back? A Yes, sir.

Q When did you get back? A '66.

Q And that was '69 or '69? A Yes, sir, somewheres along there.

By Mr. Davenport:

Q Sam, what became of Bob's wife after she come up to the Soldiers' camp? A She stayed there and went to Bigson.

Q Where were you camped at that time? A Over here about, I can't think of the name of the place, over here in Arkansas.

Q How, what year was that? A That was along, the war run a little while.

Q Fighting was going on then? A Yes, sir.

ROBERT WEBBER, the applicant, recalled: By Com'r Breckinridge:

Q What is this about your being with the Pin Indians? A I was a soldier.

Q Soldier in the army? A Yes, sir.

Q And you were captured were you? A Yes, sir.

Q And what did they do with you? A They took me to Texas.

Q You didn't go down to Texas with your Mistress, Akey Webber?

A No, sir, she was dead.

Q When did she die? A She died in '61.

Q Who did you belong to after your Mistress died? A I belonged to nobody, you see she died in '61 and I was still on the place.

- Q You don't know who claimed you at that time? A No, sir.
- Q Who had charge of the place? A Her son, Robin Webber.
- Q Well, did you recognize his authority? A Oh, yes.
- Q Well then when they took you down to Texas what did you do?
- A I drove teams.
- Q For whom? A The Southern Government.
- Q Did you find this woman down there? A Yes, sir.
- Q Did you find any of your people down there?
- A Found Charley Webber, son of Akey.
- Q Were you hired out to the Southern Government? A Yes, sir.
- Q Who did the hire? A Charley Webber I suppose.
- Q What did you have to do with Webber at that time?
- A They took me there and hauled and he was working for the Government.
- Q What did this young Webber have to do with it? A The war was nearly over and he said I could just stay there.
- Q Was he living in Gunter's neighborhood? A No, sir, he heard of me later and come over after me.
- Q Then you married this woman that belonged to Gunter? A Yes, sir.
- Q This woman Margaret? A Yes, sir.
- Q And went on up to Gunter in Benton County? A Yes, sir.
- Q Now, when you first come back from Texas you went to Benton County? A Yes, sir.
- Q And then from Benton County where did you go? A To the Cherokee Nation.
- Q Whereabouts? A On the Barren Fork.
- Q How far to the mouth of Barren Fork? A It must be about ten or 12 miles above.
- Q Well how long after you got there to Barren Fork was it before you ever had an occasion to go down to Fort Gibson?
- A I don't know, sir, how long I stayed at Barren Fork before I went to Fort Gibson.
- Q What neighbors did you have down there? A Duge Gunter and Wooten Loney.
- Q Is that the time you got with Louis Daniels? A Yes, sir.
- Q Did you go on that cattle hunt with them? A Yes, sir.
- Q After that where did you go? A I went back to Barren Fork.
- Q How long did you live there? A About four years.
- By Mr. Davenport:
- Q Bob, in giving your testimony a while ago how did it happen that you didn't say anything about being taken by the soldiers south?
- A You asked me how I got down there as I know of.
- Q Didn't I ask you if you didn't go down there with Caldine Gunter and family? A Yes, sir.
- Q Didn't you tell me on cross-examination that you had married this girl before you went south? A No, sir.
- Q And didn't you tell me that you lived; that Gunter lived about 35 or 40 miles from where Webbers lived and that Gunter lived in Arkansas and that you lived in Tahlequah? A Yes, sir.
- Q How many children has your wife got? A Yes, sir.
- Q How old is your oldest child? A 31.
- Q What time did you go to Texas when the soldiers took you there?
- A I don't know.
- Q When did you and your wife marry? A Shortly after we got there.
- Q How about the war, was it over? A No, sir, the war was going on.
- By Com'r Breckinridge:
- Q Who was Caldine Gunter's wife? A She was a Ward.
- Q Was she a Cherokee? A Yes, sir.
- Q Was Gunter himself a Cherokee? A No, sir.
- Q Where is Nancy Gunter living now? A She is living here.
- Q Where? A In Benton County.
- Q Has she lived there ever since the war? A I guess so.
- Q You never heard of her coming back?
- A No, sir, I never heard of her since

Com'r Breckinridge: The applicant applies for the enrollment of himself and wife. The applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. It appears that he was a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the Civil War. He was taken to the State of Texas and it is quite satisfactorily established that he returned to the Cherokee Nation in the year 1866, and that he has lived in the Cherokee Nation ever since. He states that he applied to the ~~Cherokee~~ ~~Chambers~~ Chambers Court and at one part of his testimony he said that they deferred his case and decided in his absence and in another part of his testimony he said that he was told by the court that he was rejected at that time because he had returned too late after the war. In this as it may the present testimony given by witnesses who are considered credible indicates that he did return within the time required by the treaty of 1866 and no real valid objection is seen at this time to his enrollment, but inasmuch as he was omitted from the roll of 1880, and for the further consideration by the full Commission of the conditions stated, he will at present be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to him at his postoffice address.

As for his wife; she is identified on the Kern-Clifton roll, and her Mistress, Nancy War, is appears was a Cherokee woman prior to the war she was married to one Caldine Gunter who lived in Benton County, Arkansas, and she was there residing with her husband, and the applicant's wife was living with them in the State of Arkansas prior to the breaking out of the Civil War. She was taken to the State of Texas where she met the applicant and they were married and after the war she returned to Benton County, Arkansas, her husband going with her, and he alleges that prior to the time he has been shown to have been at Fort Gibson in the year 1866, he had brought his wife to the Barren Fork of the Illinois River in the Cherokee Nation and that they had there located.

Q Has your wife lived in the Cherokee Nation ever since you brought her after the war? A Yes, sir.

The weight of the testimony at present is that his wife by reason of the change of ownership that she underwent prior to the war and that was maintained in her case during the war, was not in a position to avail herself of the rights of Freedmen arising under the treaty of 1866. It may be, but it is not established, that Gunter and his wife were subsequently readmitted to Cherokee citizenship, but a decided weight of the testimony is that the wife of Caldine Gunter never resumed citizenship in the Cherokee Nation after taking up her residence in the State of Arkansas prior to the Civil War. Therefore, under these conditions there appears at present really no valid reason to justify the enrollment of the applicant's wife, Margaret, but for the further consideration of her case, as stated, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card; but the applicant has five children enumerated in the testimony all of whom have now reached their majority and whose rights perhaps depend primarily upon the status of the applicant and his wife. Now, it seems from the testimony that both the applicant and his wife were married previous to their marriage but that he was separated by the war and under the operation of the insti

tution of slavery from his wife, and she was similarly separated from her first husband and that under those conditions they contracted marriage in the State of Texas while the war was going on. It is not considered that the strict meaning of the laws of marriage are applicable to people as the applicant and his wife at that time, and it is believed at present that the marriage contracted by him and his wife, Margaret, during the war and maintained continuously from that time until now is a valid marriage, and that these children should be considered the lawful children of the applicant and his wife and that they should enjoy, in the absence of any testimony to the contrary, all the rights that may be finally established for the applicant himself.

SUPPLEMENTAL INTERROGATORIES by Gen'r Breckinridge: The APPLICANT recalled:

- Q Are these children all the children of your wife, Margaret?
A Yes, sir.
Q How many of them were born in Texas, any of them? A The oldest one was born in Texas before we left.
Q Frank? A Yes, sir.
Q And then Frank is older than you think he is? A That is what I call him, what I think he is.
Q But he was born in Texas? A Yes, sir.
Q Did Frank come with you and your wife? A Yes, sir.
Q Come with you over to Barren Fork? A Yes, sir.
Q Now, these other children were they all born in the Cherokee Nation? A Yes, sir.
Q Have they always lived in the Cherokee Nation? A Yes, sir.

Mr. Davenport: The representatives of the Cherokee Nation protest against the enrollment of his wife, Margaret, for the reason that Cherokee card #422 gives the testimony of Nancy Gunter in full, who was alleged to have been the owner of the wife of the applicant at the time the war broke out, which testimony shows the continued residence of Nancy Gunter in the State of Arkansas for years up to and including the date of the giving of the testimony which was on the 25th day of September, 1900.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson
Subscribed and sworn to before me this 21st day of June, 1901.
Signed, T. B. Needles,
Commissioner.

Supplemental: Cherokee Freedman doubtful 830.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chalco, I.T., June 11, 1901.

In the matter of the application of Robert Webber for the enrollment of himself as a Cherokee freedman: being sworn and examined by Commissioner Breckinridge, he testified as follows:

Appearance:

Mr. Mellette, of Mellette & Smith, for applicants;

Mr. Hastings, for the Cherokee Nation.

- Q Give me your name? A Robert Webber.
Q How old are you? A 63.
Q Are you the husband of Margaret Webber? A Yes sir.
Q You applied here a few days ago? A Yes sir.
By Mr. Hastings:
Q Who did you give as your owner? A Old Akey Webber.
Q Did you belong to Akey Webber at the time the war come up?
A Yes sir.
Q You know Jim Tittle at Vinita? A Yes sir.
Q Did you know him before the war? A No sir.
Q Did you know his father, Daniel Tittle before the war? A No sir.
Q When did you become acquainted with Daniel Tittle? A After I was taken prisoner.
Q Who brought you back to this country? A I come with Mr. Gunter, as far as this place.
By Mr. Mellette:
Q What Gunter was that? A Caldeen Gunter.
By Mr. Hastings:
Q Where did Caldeen Gunter live? A He lived up there at Siloam Springs, I guess that's the place.
Q Arkansas? A Yes sir.
Q You never belonged to Daniel Tittle before the war? A No sir.
Q You never returned with him after the war? A No sir.
Q Did you ever work for him? A I worked for him a little while.
Q Before or after the war? A After the war.
Q How long after the war? A In the spring of '66.
Q Jim Tittle was at home at that time? A Yes sir.
Q And he knows about it? A Yes sir.
By Mr. Mellette:
Q How close to the line did you come with old man Gunter? A It couldn't have been more than a mile, I guess from his house to the line.
Q Siloam Springs is right on the Cherokee line? A Yes sir.
Q Is Caldeen Gunter the father of John Gunter here at Vinita?
A Yes sir.
Q John Gunter is a recognized citizen of the Cherokee Nation?
A Yes sir. They says they has recognized him; he told me he was admitted too, and one of his sisters.
By Mr. Hastings:
Q Was admitted? A Yes, sir, at this court.

Com'r Breckinridge: This will be added as additional testimony to Freedman doubtful card 630.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this June 20, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this the 15th of August, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Josh
Webber
for enrollment as a Cherokee Freedman.

No. F. D. 691

James Pick of lawful age, being duly sworn on oath states that on the 20th day of September, A. D., 1901, he registered to Josh Webber whose postoffice is Kayden Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fork Gibson Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Josh Webber, showing that he had received said notice.

Subscribed and sworn to before me on this the 28th day of Sept A. D. 1901.

J. Starr
Notary Public.

70691

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 2 1901



ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Josh Weber
for enrollment as Cherokee Freedmen:

Case No. F. D. 691

To Josh Weber Hayden L. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____

B Bell

N. W. Hastings
J. L. Dawson
Attorneys for the Cherokee Nation.

COMMISSION TO

INDUSTRIAL INVESTIGATIONS

FILED

OCT 17 1901

[Faint handwritten signature]

NOTICE!

IN THE MATTER OF the application of _____
for enrollment as Cherokee citizens:

Case No. D _____

To _____

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of _____ Indian Territory, on _____ or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____

[Handwritten signature]

[Handwritten signature]

Attorneys for the Cherokee Nation.

File with case of Josh Webber, et al., C.F.-D.#691.

Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced on part
of Cherokee Nation:

APPEARANCES:

Mr. Smith of Counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Eliza Chandler.

- Q Where do you live, Mrs. Chadler? A In Vinita.
- Q How old are you? A 54.
- Q Where were you living at the breaking out of the war?
A Arkansas.
- Q Did you leave the State of Arkansas during the war and your
family? A Yes, sir.
- Q Your father, what was his first name? A Caldine Gunter.
- Q Did your father own any slaves at the breaking out of the war?
A Yes, sir.
- Q Do you know whether or not he owned a woman by the name of Mar-
garet? A Yes, sir.
- Q Do you know who she afterwards married and lived with as his
wife? A Yes, sir.
- Q Whom did she live with Mrs. Chandler? A Bob Webber, he goes
by that name.
- Q Do you know what became of Margaret during the war? A Yes, sir.
- Q Where did she go? A We carried her to Texas with us.
- Q Well, after the close of the war what became of her? A We
brought her back to Arkansas.
- Q You got back to Arkansas in what year? A In '65.
- Q How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A She only stayed a little
while; they moved up on Butler's creek.
- Q Butler's creek, Territory or Arkansas? A Arkansas, at Mr.
Tittles.
- Q Do you know what Mr. Tittles first name was? A Dan.
- Q Did you know Bob Webber before the war? A No, sir, I first
seen him in Texas.
- Q And he came down there while you were in Texas? A Yes, sir.
- Q Did he come back with you and your family? A Yes, sir.
- Q Was he with Margaret when they moved up on Butler's creek in
Arkansas? A Yes, sir.
- Q About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A It was in the winter of '65.
- Q Now, Margaret as I understand was owned by your father at the
breaking out of the war? A Yes, sir.
- Q You don't know of your own knowledge who owned Bob? A No, sir.
- Q Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A No, sir.
- Q They weren't citizens when they returned from the south, were
they? A No, sir.
- MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian,
was she not? A Yes, sir.
- Q She was readmitted to citizenship here I understood you to say
here in another case? A Yes, sir.

- Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November, I won't be positive.
- Q Not sure? A No, sir.
- Q Well none of your family owned Robert Webber? No, sir.
- Q Did you know anything about him before the war? A No, sir, did n t.
- Q You say after the war he was married to a woman named Margaret?
- A It was in time of the war that they come to our house in Texas.
- Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife there, were they? A Yes, sir, after we come back.
- Q Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went th t winter some time.
- Q You mean the wint er in the year you returned? A Yes, sir.
- Q That was in '65? A Yes.
- Q How far from that place where they went to from where you lived? A About 25 miles.
- Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.
- Q Lived right on the line? A Yes, sir.
- Q You don't know of your own knowledge where Robert Webber was during the year 1866? A Well, he made a crop up there on Butler's creek and then he moved back that summer down to Pa's, and then he come down here in the Nation, or said he was coming and left his family there at our place until in the fall and then he come back and moved them down in the Nation, I reckon. I have seen her here since I have been in the Nation.
- Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir:
- Q They were free then? A Yes, sir.
- Q They could go wherever they wanted to? A Yes, sir.
- Q And they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.
- Q Now, you can't state of your own knowledge either when Robert Webber r his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.
- JOHN T. GUNTER, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
- MR. DAVENPORT: What is your name? A John T. Gunter.
- Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.
- Q How old are you? A 46.
- Q Where were you living at the time war broke out? A Living in Benton County, Arkansas.
- Q Your father's name was Caldine Gunter? A Yes, sir.
- Q Did your father own a slave, a woman, at that time by the name of Margaret? A Yes, sir.
- Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a man named Adam.
- Q What became of Margaret during the war, if you know, Mr. Gunter?
- A My father took her to Texas.
- Q How long did she stay there? A Until 1865 when we returned to Arkansas.
- Q Did you have her and the fellow by the name of Bob Webber?
- A Yes, sir.
- Q Did he and Margaret live together as man and wife? A Yes, sir.
- Q Where did you first see Webber? A Hopkins County, Texas.
- Q How long did he stay there? A He stayed there until '65, drove a team back for my father.
- Q To what point did you come? A Benton County, Arkansas.

Q Were your family citizens of the Cherokee Nation, at that time?

A No, sir.

Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.

Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Dan Tittler near Sulphur Springs.

Q What place? A Benton County, Arkansas.

Q Do you know how long they stayed there? A They went there in the winter of '65 and stayed until the fall of '66, made a crop at Dan Tittler; I don't know whether they made a crop or not.

Q Well, what became of them then? A Along in the fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old smoke house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone, quite a while, I don't know where he was, here in the Territory somewhere he said he was going.

Q That was the winter of '66? A Yes, sir.

Q What took place after that? A In the spring of '67, he moved his family here.

Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.

Q You don't know anything about him, about as to who he belonged?

A Only what he told me; he said he belonged to the Webbers.

Q Margaret belonged to your father? A Yes, sir.

MR. SMITH: What Webber did he say he belonged to? A I don't know.

Q Was there an Akey Webber? A I don't know of her.

Q You weren't acquainted with her? A No, sir.

Q You weren't in the Cherokee Nation before the war? A No, sir.

Q Didn't live here? A No, sir.

Q Now, you say, Mr. Gunter, Bob Webber, this applicant moved his family into the Territory in the spring of '67? A Yes, sir, in the spring of '67.

Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.

Q You can't be positive as to the month? A No, sir.

Q Was it as early as first of the year, '67? A No, sir, grass was up, cattle was grazing on the grass, and the reason I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and got her off of the grass; it was a young calf, he took them with him.

Q Robert Webber had made preparations to made to the Cherokee Nation before that? A I think he went to George Roach's on Barron Farm before that.

Q That was in the winter of '66? A Yes, sir, at least he was gone quite a while.

Q That is where he said he was going? A That is where he said he was going.

Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.

Q That was in what year? A 1880.

Q This woman, Margaret, that used to belong to your father was this man's wife? A Yes, sir, lived with her.

Q This man you speak of her having been with that was in Slavery times? A Yes, sir.

Q What became of Adams? A He went to Kansas I was told.

Q Who did Adams belong to? A Belonged to my father.

Q Why didn't he go with your father? A He went away before we refueged.

Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them lives up here at Fort Scott.

- Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?
A Yes, sir.
- Q No marriage about it? A No, sir.
- Q They were separated from each other by the exigencies of war?
A Yes, sir.
- Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.
- Q You never seen him? A No, sir.
- Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he come with Dan Tittles and Jim.
- Q Do you know whether the Pin Indians ever got him or not? A No, sir.
- Q Did you ever hear? A No, sir, I heard Dan Tittles bought him and took him to Texas; the Pin Indians didn't come that way.
- Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.
- Q All you know about Robert whether is that he came to Texas?
A No, sir.
- Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.
- Q And you say she was brought up in the Cherokee Nation?
A Yes, sir, she was born and raised in the Cherokee Nation.
- Q Was she in the Cherokee Nation when she married? A Married just across the line.
- Q Living in the Cherokee Nation when she married? A Yes, sir.
- Q And when she married your father went across the line of Arkansas to live? A Yes, sir.
- Q During the time of the war did she claim to be a Cherokee Indian?
A Yes, sir.
- Q Draw money? A Drew money in '53 I believe it was.
- Q What money was that? A Old settler money.
- Q Did she exercise any other rights of did any of your family before the war? A No, sir.
- Q You didn't live in the Cherokee Nation? A No, sir; never except her mother and brothers and sisters, none of our immediate family.
- Q But in the year 1880 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.
- Q Mr. Gunter, can you state whether there were many or few of these Acts of Admission? A Admitting people to citizenship?
- Q Yes? A Yes, sir, there were a great many.
- Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.
- Q That is she stated she had forfeited it, you don't know whether she forfeited or not? A That is her understanding.
- MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.
- Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.
- Q Your father was not a citizen of the Cherokee Nation?
A No, sir.
- MR. NEEDLES: What was your father's property was your mother's
A I don't know.

Com'r Needles: This testimony will be made part of the case at bar and made part of the record in D.#663, D.#628, D.#691, and D.#680.

J. O . Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 19th, 1901.



Commissioner.

File with case of Josh Webber, et al., C.F.-D.#691.
Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER as a Cherokee Freedman: Introduced on part of the
Cherokee Nation:

APPEARANCES:

Mellette & Smith, Attorneys for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. M. Tittle.

Q What is your post office? A Vinita.

Q How old are you? A 55

Q Do you know Robert webber, the applicant in this case?

A Yes, sir

Q How long have you known him? A Ever since about '63, '62 or '3

Q Did he ever be long to any of your family? A He belonged to
my father.

Q Where did your father live? A He lived in Benton County, Ark-
ansas.

Q Did your father move away from Benton County, Arkansas?

A No, sir..

Q Did they go south during the war any of your family, or do you
know? A My family stayed there, but we went south.

Q Well, what became of Bob during the war, if you know?

A We taken him south.

Q Well, did he come back? A Yes, sir.

Q Where did he go to? A Come up to our place.

Q Where was that? A In Benton County, Arkansas.

Q How long did he stay there with you? A He come there in the
fall of '65 and stayed until the fall of '66.

Q At what time where was your family residing? A In Benton
County, Arkansas.

Q How long had they been residing in Arkansas? A About 15 years.

Q Were they or were they not recognized citizens of the Cherokee
Nation? A Not then, we was outside of the Cherokee Nation then

Q Well, after the close of the war you say you returned back to
your old home place, in Benton Country, Arkansas? A Yes, sir.

Q Did you ever move back to the Cherokee Nation? A Yes, sir.

Q What year did you move back? A We come back in '67.

Q Were they recognized citizens of the Cherokee Nation or was there
some action taken to the establishing of right? A We had to es-
tablish a right; my father was admitted and remarried after he came
back to the Cherokee Nation.

Q Was it your father had the Cherokee blood or mother? A Mother.

COM'R NEEDLES: She was readmitted in 1867? A Yes, sir.

MR. DAVENPORT: Did your father marry again? A Yes, sir;
he married and went out and come back and married again.

Q Do you mean he was married twice according to the laws of the
Cherokee Nation? A He married and went off and come back and mar-
ried again.

MR. SMITH: Where did your father marry first? A In the
Cherokee Nation.

Q Married according to the Cherokee laws then? A Yes, sir.

Q Now, what year was that? A That was, that would be in '55 I
guess it would be.

Q About what year? A About 56 years ago, I would have to count it

up; it was in '46.

Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.

Q Now, then, when he married he was a citizen? A Yes, sir.

Q How long did he continue to live in the Cherokee Nation?

A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.

Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old settler payment.

Q Your family ~~all~~ drew money in the old Settler's payment?

A Yes, sir.

Q In what year was that? A I think that was in '52; '1 or '2.

Q How long after that was it before you went into Arkansas?

A Right away after that.

Q How many years? A Oh, I guess probably inside of a year or such matter.

Q Where did you live in Arkansas? A Benton County.

Q How far from the line? A What line, Arkansas line or Missouri line.

Q The Cherokee Nation line? A It was about ten miles from Cherokee line and three miles from Missouri line.

Q What was your father's name? A Dan Tittle.

Q Who did your father get this man from? A Fellow by the name of John Grimmett.

Q When did he get him? A About '62.

Q Where did he get him from? A Down here about Mayesville.

Q Who is Grimmett? A He is said to be the oner of Bob, who he bought him from.

Q Where did Grimmett live? A He lived down there in the Nation somewhere.

Q He was a Cherokee, Grimmett was? A I don't know whether he was or not.

Q Did you ever know Grimmetts? A No, sir.

Q Well, do you know what date it was that he bought this man?

A I think it was in '62 I think.

Q It was after the war had commenced? A Yes, sir.

Q It might have been in '62? A It was in '62. somewheres along there as well as I remember about it.

Q You think it could not have been as late as 1854? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas river and come back there and found Grimmett and bought him.

Q It was either in '62 or '3 your father bought him? A Yes, sir.

Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.

Q Do you know who he had been captured from? A Only what he said; he said he belonged to as well as I remember, he belonged to Mrs. Webber, and Mrs. Grimmett was ~~an~~ daughter of Mrs. Webber.

Q What was Webber's name? A I don't know.

Q Did you ever know an Akey webber? A No, sir.

Q Akey Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.

Q Now, you claim that your father owned this man in '62 or 'w?

A Tes, sir.

Q Where did he own him? A Benton County, Arkansas.

Q Who lived near him when he owned him? A In the settlement there?

Q Yes. A The nearest fellow in the neighborhood was a man by the names of Wells, and Thomas

Q Are they living there now? A I guess they are all dead now.

Q Does anybody but you know that your father owned this man?

A Yes, sir.

Q Who? A Will Thompson, living at Rentonville, Arkansas, and

Eph Thompson that lived on Butler's creek where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '56.

Q Well, it was a man named Grimmett that your father undertook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grimmett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: As I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And when did he come back to the Cherokee Nation?

A He come back in '57.

Q And was re-admitted? A Yes, sir.

Q And this darkey was not with him then? A No, sir.

MR. SMITH: Now, Mr. Tittle, you lived in Arkansas after you went out after the old settler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they kept hunting him.

COM'R NEEDLES: He refugeed over there? A Yes, sir, he stood his trial and come clear.

Q Where did he stand his trial? A Right on the line right close to High Cose at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the State? A Killed an Indian in the State and tried him right at the place he killed him.

Q When he killed the Indian he was living in the Cherokee Nation?

A No, sir, he was living in the State; right within a quarter of where he killed him; but I had been born in the Nation.

MR. SMITH: What Court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a Court there? A I don't know; they tried him at Cal Gunter's right on the edge of Lindsey's prairie.

Q It is the regular Circuit Court in Benton County, Arkansas, tried him? A I could not tell you; they come there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a court of the State of Arkansas?

A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time?

A I can't tell you anything about that, that was where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee Nation? A He was not at that time was tried because he was living in the state of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

MR. DAVENPORT: This was a trial before a Justice of the Peace?

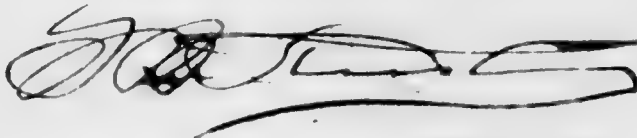
A I don't know, they had a trial and he come clear. I was a small boy, about five years old; there was about three hundred men with him and the Indians had gathered five or six hundred with them, and he was tried right there at the line.

Com'r Needles: This will be made part of the record in the case at bar, and also D-628, D-663, D-691, D-680.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of--

Etta Manley et al.,	Cherokee Freedmen D-353,
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-435,
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-554,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire) et al.	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard, and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children, Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph, Jr., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission, showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Meigs, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1860, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1860, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 83, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee Freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866 and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber

Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716),

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 5 1905.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—188,
William S. Madden,	Cherokee Freedmen D—189,
June Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Antanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—358,

Samuel L. Young,
John Buckner,
Willis Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irven,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masir,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 56,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kender Lampton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Ross,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kizzie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellis Warren,
Millie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Dawn,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D-382,
Cherokee Freedmen D-406,
Cherokee Freedmen D-411,
Cherokee Freedmen D-420,
Cherokee Freedmen D-421,
Cherokee Freedmen D-423,
Cherokee Freedmen D-424,
Cherokee Freedmen D-426,
Cherokee Freedmen D-444,
Cherokee Freedmen D-455,
Cherokee Freedmen D-473,
Cherokee Freedmen D-474,
Cherokee Freedmen D-486,
Cherokee Freedmen D-490,
Cherokee Freedmen D-493,
Cherokee Freedmen D-495,
Cherokee Freedmen D-501,
Cherokee Freedmen D-513,
Cherokee Freedmen D-514,
Cherokee Freedmen D-520,
Cherokee Freedmen D-545,
Cherokee Freedmen D-546,
Cherokee Freedmen D-550,
Cherokee Freedmen D-552,
Cherokee Freedmen D-573,
Cherokee Freedmen D-584,
Cherokee Freedmen D-588,
Cherokee Freedmen D-608,
Cherokee Freedmen D-650,
Cherokee Freedmen D-665,
Cherokee Freedmen D-667,
Cherokee Freedmen D-674,
Cherokee Freedmen D-691,
Cherokee Freedmen D-692,
Cherokee Freedmen D-696,
Cherokee Freedmen D-699,
Cherokee Freedmen D-733,
Cherokee Freedmen D-735,
Cherokee Freedmen D-736,
Cherokee Freedmen D-741,
Cherokee Freedmen D-742,
Cherokee Freedmen D-743,
Cherokee Freedmen D-752,
Cherokee Freedmen D-758,
Cherokee Freedmen D-760,

Benjamin Clark,
Emily Looney,
John Groves,
Matilda McNair,
Bettie Vann,
Nelson Lett,
Fannie Rogers,
William Washington,
Squire Warron Owens,
Fannie Goldeby,
Susan Daniels,
Anderson Turk,
David Lane,
Felix McClain,
Henderson Jones,
Belle Vann,
Levi Stroud,
John Sumpter,
Mariah Thompson,
Ellen Sheppard,
Lula Melton,

Cherokee Freedmen R—108,
Cherokee Freedmen R—110,
Cherokee Freedmen R—112,
Cherokee Freedmen R—117,
Cherokee Freedmen R—122,
Cherokee Freedmen R—125,
Cherokee Freedmen R—129,
Cherokee Freedmen R—131,
Cherokee Freedmen R—143,
Cherokee Freedmen R—144,
Cherokee Freedmen R—146,
Cherokee Freedmen R—148,
Cherokee Freedmen R—156,
Cherokee Freedmen R—165,
Cherokee Freedmen R—173,
Cherokee Freedmen R—181,
Cherokee Freedmen R—196,
Cherokee Freedmen R—311,
Cherokee Freedmen R—330,
Cherokee Freedmen R—337,
Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Cassie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Rosa; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irlen for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

- [SIGNED] TAMS BIXBY,
Chairman.
- [SIGNED] T. B. NEEDLES,
Commissioner.
- [SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

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IV

... TRAINMO d

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

CC

Cherokee Freedmen
D-353, et al.

Muskogee, Indian Territory, January 5, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1906, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alenzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Nannie Chatman, Evaline Jimison, Henry Caesar and Kliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

Encl. K-8.

COPY

Cherokee Freedman
D-691.

Muskogee, Indian Territory, January 24, 1905.

Mary Webber,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-74.

Register.

(SIGNED) *Tamm*
Chairman.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Fell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Salie Rider, Reuben Campbell, Van Jackson Luther, Cassie MidJeton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lecnev, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Cook, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin E. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lans, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Faye, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Leu Peters, Ida Blair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Blair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNeir, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Gedsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The acties of the

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Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *Tamc Dixby.*
Chairman.

Incl. K-9.

Copy.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowman, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peteram, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizale Vann, Freddie Looney, Lucy Chouteau, Alice Duant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Pevall, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nava, Neoma Nava, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Marla French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deelman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Tame Bibb
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-691.

Muskogee, Indian Territory, January 26, 1905.

Josh Webber,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for your enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-11.

Register.

SIGNED. *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedman
D-363 et al.

Muskogee, Indian Territory, January 26, 1905.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 5, 1905, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Susie Whitmire; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Nannie Chatman; Evaline Jimison, Henry Caesar, and Elisa Rogers, and rejecting the applications for the enrollment of Etta, Alonso, Freddie, Maynard, Howard, Tessie, Harvey, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Paulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Encl. L-19.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Lard.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

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LAND
6664-1905.
14810-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Preddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to

Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Reynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1860 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitacre, Sam and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1866 and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation

since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Beta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitmire are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Vannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1860 and have continuously lived with their mothers since birth.

The record shows that the applicant, Frank Webber, died
June 13, 1901.

In view of the record the approval of the Commission's
decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
V.

D. C. 20877-1905
I. T. D. 2904-1905

(C O P Y)

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DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durand, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James D. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda Mcvair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane
Felix Mc Clain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thomason, Ellen Sheppard, and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-691.

Muskogee, Indian Territory, April 28, 1905.

Mary Webber,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Jame Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Bell , Hastings & Davenport,
Attorneys for the Cherokee Nation
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tamo Bibb
Chairman

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNATURE)

Tamc Bixby.

Chairman.

Cherokee Freedmen

D-663, et al.

Muskogee, Indian Territory, March 24, 1906.

Preston S. Davis,

Vinita, Indian Territory.

Dear Sir:

In reply to your letter of March 21, you are advised the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting the applications for the enrollment of Sam, Josh and Robert Webber, Ella Whitmire and Kate Manley as Cherokee freedmen, was, on that date, forwarded to the Secretary of the Interior, where the case is now pending.

It is noted that you state you are attorney for these persons, and there are inclosed herewith notices to this office of attorney employed, which you are requested to have the applicants sign and return to this office and you will then be entered as attorney of record for them.

Respectfully,

Incl. 9-81

Acting Commissioner.

Cherokee Freedmen
D 691.

Muskogee, Indian Territory, June 8, 1906.

Josh Webber,
Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, your application for enrollment as a Cherokee freedmen, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of the Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

Tame Bixby
Commissioner.

COPY

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitman, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

CHEROKEE FREEDMAN
D 222 20
et al.

For your further information there is enclosed
herewith a copy of the Departmental decision referred to.

Respectfully,

Encl. A-93.
M.A.

SIGNED.

James Dixby.

Commissioner.

Cherokee Freedmen
D 383 et al.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvet Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

M.A.

SIGNED.

James Dixby.

Commissioner.

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR,

D.C. 22108

WASHINGTON.

WHE.

I.T.D. 3843,4575,8743-1905.

8745,8903,1905- ■

3344,8907- ■

10611,12908- ■

May 31, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 26, 1906, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Ntta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Ntta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston S. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse R. Wilson,

Assistant Secretary.

1 inclosure.

REGISTRY RECEIPT

Post Office at

Registered Parcel

F. T. GIBSON, I. T.
SEP 20 1901

Hubbard Ross, P

Cher Fr 1514

Cher Fr 1514

File with Ella Whitmire, doubtful.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 29, 1901.

In the matter of the application of Walter Whitmire for the enrollment of himself and wife as Cherokee Freedmen.

Walter Whitmire, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Walter Whitmire.
Q How old are you? A 33.
Q What is your post office? A Hayden, Indian Territory.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A No, sir.
Q Have you a wife? A Yes, sir.
Q Do you want to apply for her enrollment? A No, sir, I guess she will apply for herself.
Q Well we don't want families split up if we can avoid it.
A Well, I will tell you the reason; I was married and I have lost my license, I have got nothing to show.
Q Does your wife claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q Well apply for your wife, and let your family go together?
A All right.
Q How many children have you? A I haven't any.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q You have lived here all your life? A Yes, sir.
Q Give me the name of your father? A Aaron Whitmire.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother? A Sarah Whitmire.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Why 27 or '8 years I guess.
Q Give me the name of your wife? A Ella.
Q How old is your wife? A She is 25 I believe.
Q You say she claims to be a Cherokee Freedman of her own right?
A Yes, sir.
Q How long has your wife lived in the Cherokee Nation? A She was born here.
Q Has she lived here all her life? A Yes, sir.
Q Give me the name of her father? A Robert Webber or Bob Webber.
Q Is he alive? A Yes, sir.
Q Give me the name of your wife's mother? A Margaret Webber.
Q Is she alive? A Yes, sir.
Q Have you a certificate of marriage to your wife? A I had one but then I lost it.
Q Is there someone here who knows you and she were married and know you were living together as man and wife? A Why there is people knows we were living together, there is no one here seen us married.
Q How long have you and your wife been married? A Since '98, about three years.

Benjamin Nave, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Benjamin Nave.
Q How old are you? A I am 57 years old.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Do you know the applicant here? A Yes, sir.
Q How long have you known him? A Known him ever since he was a boy.
Q Is he married? A Yes, sir.
Q What is the name of his wife? A Ella.

Ella Whitmire - 3.

- Q What was her name when he married her? A Ella Landrum.
- Q Give me the name of her father? A Webber was her father's name, Bob Webber.
- Q Was she married before she married this man? A Yes, sir.
- Q How many times? A Once.
- Q What was the name of her first husband? A Andy Landrum.
- Q Was Andy Landrum dead when she married this man? A Yes, sir.
- Q How long have you known his wife Ella? A Since she was a small girl.
- Q And you know she had never married but once? A Yes, sir, but once till she married this man.
- Q Now the applicant here, Walter Whitmire, has he ever been married before? A Not to my knowledge.
- Q Have you known him all the time? A Yes, sir.
- Q About when were the applicant and his wife married, about how long ago? A Been about two years ago or three.
- Q Were you present at the wedding? A No, sir, I wasn't at the wedding.
- Q Were you in the neighborhood? A Yes, sir.
- Q Did you know of it as a matter of neighborhood information? A Yes, sir.
- Q Have you seen them living together as husband and wife ever since? A Yes, sir, been to their house.
- Q Have they any children at all? A No, sir.

Walter Whitmire, recalled, testified:

- Q Have you ever been married before? A No, sir.
- By W.W. Hastings, Cherokee Attorney: Are you the next to Ellen? A Yes, sir, Allen.
- Q And Charlie is the next youngest? A Yes, sir.
- Commissioner: Was there any Mattie in your family? A No, sir, but that is the way my name has been all the time.
- Q They put it down as Mattie? A Yes, sir, there is a mistake somewhere.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Walter Whitmire identified thereon, page 196, No. 3214, Cooweescoowee district, as Mattie Whitmire. Ella Whitmire not on 1880 roll.
- Q Does your wife's father claim to be a Cherokee Freedman? A Yes, sir.
- Q Does your wife's mother claim to be a Cherokee Freedman? A Yes, sir.
- The 1896 census roll of Cherokee Freedmen examined and the applicant Walter Whitmire identified thereon, page 437, No. 737, Cooweescoowee district. Ella Whitmire not on 1896 roll.
- Q Do you know whether your wife drew stip money? A Yes, sir.
- The Ker s-Clifton roll examined and the applicant Ella Whitmire identified thereon, page 180, No. 4431, Cooweescoowee district, as Ellen Webber.
- The Wallace roll examined and the applicant Ella Whitmire identified thereon, page 150, No. 3123, Cooweescoowee district, as Ellen Webber.

Commissioner: The applicant applies for the enrollment of himself and wife. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. The variation in his name on the roll of 1880 is explained in a satisfactory manner. He has lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee Freedman.

It is shown that he and his wife were married in 1898 and that they have lived together ever since their marriage. She was once previously married, but her former husband was dead when she married the present applicant. The status of

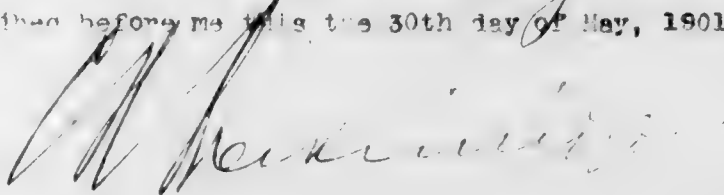
Ella Whitmire - 3.

her former husband Andy Landrum is not looked up at this time to see what right the applicant's wife might have under a claim as an intermarried Cherokee Freedman. Applicant states that he was never previously married. The present claim for the applicant's wife is of her own right. She is identified on the Kerne-Clifton roll and the Wallace roll, on both of said rolls with her father, Robert Webber. She is said to have lived in the Cherokee Nation all her life. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and when application shall be made for the enrollment of her father and mother, both now living, namely Robert and Margaret Webber, the status of this woman through her parents will be determined, and reference will be made to their case for further evidence in this respect. The final decision of the Commission will be made known to the applicant at his post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 30th day of May, 1901.



Commissioner.

100-23

RECEIVED

FILED
29 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 29, 1901*
Post Office *Hayden, Ga.*
District *Co.*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents: *Robert Hall*
Father _____ Citizenship _____
Mother _____ Citizenship _____

Name of wife *Ella Whitnair* Age *25*
Owner's name _____ Citizenship _____
Year *1860* Page *180* No. *4431* District *Co.*

Parents:
Father *Est. Webber - living* Citizenship _____
Mother *Margaret " - living* Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

MAY 29 1901

Robert Hall

Application made by *Walter Whitnair (husband)* Scribe *B. Jones*

1 On R.C. roll as Ellen Webber
*1 " Wallace " Page 150 * 3123 - Ellen Webber - Co.*

11 13

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Ella

Whitmore

for enrollment as a Cherokee Freedman.

No. F. D. 733

Henry Pack of lawful age, being duly sworn on oath states that on the 14 day of September, A. D., 1901, he registered to Ella Whitmore whose postoffice is Gayden

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory;

and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Ella Whitmore, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

Notary Public.

C 10
98.432

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | s. s.
NORTHERN DISTRICT. |

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

U.S. DEPT. OF JUSTICE

RECORDED
SEP 21 1901

ATTEST
J. H. CHARMAN

NOTICE!

IN THE MATTER OF The application of *ELLA WHITEHIRE*
for enrollment as a Cherokee Freedman

Case No. F. D. 433

To *Ella Whitehire Haydon* I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, on the following dates, to-wit: *Oct. 11-12, 1901* **at 8 o'clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this

13th day of
1901

1901.

L. B. Bell
W. W. Hastings
J. S. Davidson
Attorneys for the Cherokee Nation.



COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEDLER,
C. R. BRCKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. A. S. (8715-1901)

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
W. A. S. for enrollment as
Free man of the Cherokee Nation.

No. C. F. A. C. 433

J. P. Sequoia
Agent for applicant.

File with Cherokee Freedman D-433, Ella Whitmire.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 15, 1901.

In the matter of the application of Ab Buffington for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

J. L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A J. L. Ward.

Q Where do you live? A I live near Maysville, three miles west, three and a half.

Q How old are you, Mr. Ward? A 56.

Q How long have you lived in the Cherokee Nation? A I have lived there all my life except during the war.

Q At what point in the Cherokee Nation was you living when the war broke out? A Right where I am living now, within half a mile of it.

Q What is this known as, what was it known as? A It was known as the George Ward place.

Q How far is it from Beattys Prairie? A It is right on the edge of Beattys Prairie.

Q Do you know where the Bill Buffington place was before the war, or the Bell place? A Yes, sir.

Q Where they lived, on the prairie? A They were just one mile east of where I lived.

Q Did you know a slave that belonged to Mr. Buffington by the name of Bill or William Buffington? A I knew a Bill Buffington.

Q Where was he, if you know, at the breaking out of the war? A He was there at the Bell farm.

Q Do you know what became of him during the war? A No, sir, I don't.

Q When did you return to that locality in the Cherokee Nation where you had previously lived, after the close of the war? A When I returned down there, it was in November, '65.

Q Well, have you resided continuously in that locality since that time? A No I have been in the army three years.

Q I mean since '65 have you resided continuously in that locality?

A Yes, sir.

Q Have you seen this colored man, Bill Buffington, since the close of the war? A Yes, sir.

Q When and where did you see him after the war closed? A He came back there, as well as I remember, in '68 or '9.

Q Came back to what point, Mr. Ward? A Over in about a mile and a half or two miles of his former residence.

Q Do you know whether or not he raised any children after the war or had any children? A Why he had a whole family of them, but I didn't know any of them.

Q Did you ever know the names of any of them? A No, sir, I can't say that I did.

Q Is there any of them living over there in that locality now?

A No, sir.

Q You know what became of them or where they are living? A Why they moved over near here some place I think.

Q Well you were there on Beattys Prairie after you returned in '65 during '66 and '7, were you? A Yes, sir.

Q Was this man Bill Buffington and his family there? A No, sir.
Mr. Melotte: You don't know when he came back to this country
after the war? A He came back in about '68 or '9; I know he wasn't
there in '66 and '7.

Q How do you know when he came back to the Cherokee Nation? A I
was there.

Q Can you swear he wasn't in the Cherokee Nation before you saw
him? A Oh no, but he wasn't in that locality.

Q You say '68 or '9? A Yes, sir.

Q How was it? A Well I don't know positive.

Q How do you say it was '68 or '9? A Because he wasn't there in

1966 and he wasn't? A I was there.

Q Can you say positive when he did come there, if you can
remember there in '67? A Because I can't remember.

Q Can you say he wasn't there in '67? A Because I know he
was there at a certain locality at a certain time, don't
you know any other there is anybody else there?

Q Can you say living can swear it for 35 or 36 years. A Well
I can't say any more there.

Q Can you swear then just because there wasn't any negroes there? A No
there wasn't any negroes there.

Q And how much of that country did you range over? A I can't tell
you exactly, fifty miles square I guess.

Q You watched every man in fifty miles square did you? A There
wasn't any men in fifty miles square.

Q Did you cover it all, ride over fifty miles square? A At times.

Q At all times? A No, not all times.

Q Did you watch every man that lived in that square? A No, sir.

Q Did you see every man that was in fifty miles square in '66?

A Well I came very near it.

Q How near you did? A No.

Q Were there any colored people within fifty miles square there?

A There was within fifty miles square, there was colored people
there. A I can't tell you.

Q How many, a good many, wasn't there? A No, there wasn't.

Q What were you doing ranging over fifty miles square? A Well sir
I taught school in the fall of '63 and the spring of '65 and I had
business in Hallequah and I had business up here and business in
Hallequah.

Q Did I know, but that didn't take you all over every acre of
fifty miles square? A I didn't say I went over every acre.

Q How did you know who lived in that fifty miles square? A I
didn't say I knew who lived in that fifty miles square I don't believe.

Q You did a while ago, you said you knew everybody who lived in

fifty miles square? A I believe to differ.

Q How did you say about fifty miles square? A You asked me how
far I ranged over; that doesn't say I knew every man in fifty miles
square.

Mr. Liverport: You lived in about a mile of the Buffington and
Hallequah on Gattys Prairie where this fellow had been formerly
owned? A Yes, sir.

Commissioner: This testimony will be made part of the
record in the case at bar and also part of the record in Chero-
kee Indian case No. B-375.

Mr. Liverport: I would also like to make it a part of the
record in L-78 and P-438.

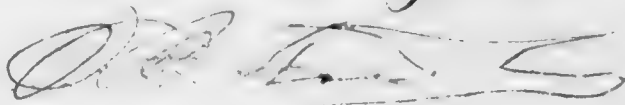
Commissioner: This will be done.

- 3 -

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 7th of November, 1901.



Commissioner.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of--

Etta Manely et al.,	Cherokee Freedmen D-353,
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-435,
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-554,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Joah Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire) et al.,	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children, Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph, Jr., and Willie Manley, and that subsequent to the filing of the original application; an affidavit which is made a part of the record herein, was filed with the Commission, shewing the birth of Daisy Manley on March 26, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Joah Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman, by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber, was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaren Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Weiga, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Reulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Reulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to en-

rollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 85, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866, and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Cassar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley,

Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannia Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 5 1905

~~1124~~

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Ada Whitmire,
Hayden, I.T.

Cherokee F-D-433

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

COPY.

Cherokee Freedmen
D-363, et al.

Muskogee, Indian Territory, January 5, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1905, rejecting the applications for the enrollment of Recky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Fannie Chatman, Evaline Jimison, Henry Caesar and Eliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Encl. K-8.

COPY.

Cherokee Freedmen
D-433.

Muskogee, Indian Territory, January 26, 1905.

Ella Whitmire,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for your enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-5.

Register.

COPY.

Cherokee Freedmen
D-363 et al.

Muskogee, Indian Territory, January 26, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 6, 1906, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Euale Whitacre; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Yannie Chatman; Evaline Jimison, Henry Caesar, and Eliza Rogers, and rejecting the applications for the enrollment of Etta, Alense, Freddie, Waynard, Howard, Tessie, Harvey, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Dixby.*

Chairman.

Encl. L-19.

Through the
Commissioner of Indian Affairs.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

LAND:
8564-1905.
14810-1905.

March 31, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellious; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1880 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitmire, Sam and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1866 and have continuously resided in the Cherokee Nation since birth.

The minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitmire are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison,

Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1880 and have continuously lived with their mothers since birth.

The record shows that the applicant, Frank Webber, died June 13, 1901.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR,

D.C. 22188

WASHINGTON.

FHB.

I.T.D. 3843,4575,8743-1905

8745,8903,8905- "

3344,8907- "

10611,12908- "

May 31, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lola Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston E. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. B. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
D 353 et al.

COPY.

Muskogee, Indian Te

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvet Manley, Freddie Manley, Waynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McCQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

W.A.

~~ENCLOSURE~~

Jame Bixby.
Commissioner.

Cherokee Freedmen
D 433.

COPY

Muskogee, Indian Territory, June 8, 1906.

Ella Whitmire,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon the schedule of the Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

SIGNED

Tamr Dixby
Commissioner.

Cherokee Freedmen
D 353 et al.

COPY

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed
herewith a copy of the Departmental decision referred to.

Respectfully,

Encl. A-93.
H.A.

SIGNED:

James Bixby.

Commissioner.

REGISTRY RECEIPT.

Post Office at.....

FT. GIBSON, I. T.

Registered Letter Parcel No. Rec'd

SEP 14 1901

190

of

addressed to

Hubbard Ross, P. M.

P. M.

Cher Fr 1515

Cher Fr 1515

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 8th 1901.

Joe Sequichie Agent for the applicant.

W. T. Hartings Cherokee Representative-

In the matter of the application of Joseph Manley for the enrollment of himself, wife and six children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

By the Commission:

- Q What is your name? A. Joseph Manley.
Q What is your age? A. 35.
Q What is your post office address? A. Hayden.
Q In what district do you live? A. Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Is your name on the roll of 1880? A. I don't know.
Q Is it on any of the rolls? A. Yes sir the Kern Clifton and Wallace rolls, and I drew money on the '80 roll.
Q Who do you want to have enrolled? A. Myself, wife and six children.
Q What is the name of your wife? A. Kate.
Q How old is she? A. 35.
Q What is her father's name? A. Robert Webber.
Q What is her mother's name? A. Marguerite.
Q Are they living? A. Yes sir.
Q What are the names of your children? A. Ida.
Q How old? A. 15 years.
Q Next one? A. Frank.
Q How old? A. 13 years.
Q Next one? A. Sarah.
Q How old? A. 9 years.
Q Next one? A. Lela.
Q How old? A. 8 years.
Q Next one? A. Joseph Jr.
Q How old? A. 6 years.
Q Next? A. Willie.
Q How old? A. 4 years.

The applicant not found on the 1880 or 1896 rolls.

The Kern Clifton roll examined and the name of the applicant found thereon as follows:

Page 148 No. 3614, Joseph Manley, Cooweescoowee district,

- Q Is your wife on the 1880 roll? A. I don't know.

The applicant's wife not found on the 1880 roll,

The Kern Clifton roll examined and the applicant's wife found as follows: Page 180 No. 4425, Kate Manley, Cooweescoowee dist.

The Kern Clifton roll examined and the applicant's children identified thereon as follows:

Page 180 No. 4426, Ida Manley, Cooweescoowee district.
Page 180 No. 4427, Frank Manley, "
Page 180 No. 4428, Jim Manley, "
Page 180 No. 4429, Lelah Manley, "

Joseph Manley 2.

The Wallace roll of the Cherokee Nation examined and the name of the applicant and his wife identified as follows:
Page 125, No. 2638 Joseph Manley, (District not given)
Page 177 No. 3303, Kate Manley, " " "

Q What was your fathers name? A. Lonzo.
Q Is he living? A. No sir.
Q How long has he been dead? A. Two years?
Q What is your mothers name? A. Kliza.
Q Is she living? A. No sir.
Q How long has she been dead? A. I don't know, 24 or 5 years.
Q Were you a slave? A. My mother was.
Q Who did she belong to? A. George Whitmire.
Q Was your mother taken out of the Cherokee Nation during the war?
A. I dont know.
Q Where were you born? A. I dont know sir, in the Nation I guess.
Q The first you recollect was in the Nation was it? A. Yes sir.
Q Have you lived in the Cherokee Nation ever since? A. Yes sir,
first I recollect was at Tahlequah.

By Mr. Sequichie:

Q Whowere you living with in 1880? A. with my step mother.
Q What was her name? A. she had two or three names, Poll Manley,
Poll Cox and Poll Dick.
Q What was her nationality? A. She was a Delaware.
Q Did she enroll you then? A. I am sure she did.
Q By what name? A. By her name then.
Q What was her name then? A. Dick.
Q Did she enroll anyone else at that time? A. Yes sir me and her
daughter.
Q What was the name of her daughter? Aurena Dick.
Q Where did you live at that time? A. Alowee, two and a half miles
north east of there on Lightning creek.
Q You say she was a Delaware? A. Yes sir.
Q You remember postively that she enrolled you and her family then?
A Yes sir.
Q And drew money for you? A. Yes sir.

By Hastings:

Q What was her husbands name then? A. Lonzo Manley.
Q And her name was Dick? A. What was her daughter's name; she was
a Dick before she was a Manley.
Q How old were you when you lived at Tahlequah? A. 8 or 9 years
of age.
Q You were that old when you came up here? A. Yes sir.
Q Where were you living down there? A. South of Tahlequah; near
the river?
Q Illinois river? A. Yes sir.
Q How far from Tahlequah? A I cant say for sure and be positive;
2 or 3 miles.
Q Near where the old Jim King place was? That is the place.
Q Known as the Spear place? A. I dont know, I know that it is the
place ~~that~~ that was then the Jim King place that my mother was killed
Q And you have lived in the Cherokee Nation ever since you can re-
member? A. Yes sir.

By the Commission-

Q You say you recollect being enrolled in 1880? A. Yes sir.

- Q How old were you then? A. 15 or so.
Q What makes you recollect that you were enrolled in 1880? A. Because my father was not at home when the census takers come round to enroll my step mother, and she enrolled me and her daughter.
Q Your step mother was an Indian? A. Yes sir, she was a Delaware Indian.

By Hastings:

- Q Did you have any brothers? A. Yes sir.
Q What was their names? A. I had some half brothers and sisters named Alle, Mandy and Florence.
Q Are you the oldest one? A. Yes sir, those are my half sisters by my father's Delaware wife.

By the Commission

- Q What half sisters and brothers did you have? A. Alle and Mandy and Florence.
Q Older than you? A. No sir.
Q What was your brother next younger than you? A. I don't exactly understand you.
Q Did you have a brother or half brother or a step brother younger than you? A. No sir, not if I understand the question.
Q Did you have a half brother younger than you? A. Not of my mother I have half brothers, two or three of them.
Q What are their names? A. Willie Manley.
Q How old is he now? A. 17, 18 or 19 years old.
Q Is he the youngest half brother you have? A. Yes sir.

By Hastings:

- Q Francis Ragdale is a half brother on your father's side? A. Yes sir.
Q Did you have a half brother on your mother's side? A. Yes sir.
Q Did this nick woman have any children of her own? A. Yes sir.
Q Who? A. Rene Nick was my step sister.
Q Did she have any boys? A. Not that I know of.
Q The only child that you know of her having before your father married her was Rene? A. Yes sir.
Q Your other is dead? A. Yes sir.
Q She was killed near Tahlequah? A. Yes sir.
Q Who killed her? Rub Naves.
Q He was a recognized Cherokee citizen? A. I don't know sir.
Q Did you know Rub's parents? A. No sir.
Q The United States court at Fort Smith tried him for the killing of your mother didn't it? A. From what I heard they didn't.
Q He was taken there? A. Yes sir, but I understand that he was released on citizenship.
Q You know it of your own knowledge though? A. No sir.

By the Commission:

- Q Is your step mother Polly Nick dead? A. Yes sir.
Q She was a Delaware? A. Yes sir.
Q How old were you when your mother was killed? A. 8 or 9 years old I suppose.

LOONEY WITWIT called and sworn as a witness testified as follows

Joe. Manley 4.

on the part of the applicant-

By the Commission-

- Q what is your name? A. Looney whitmire.
Q How old are you? A. 44.
Q what is your post office address? A. Wayden.
Q Are you a recognized Cherokee Freedman? A. Yes sir.
Q On the 1880 roll? A. Yes sir.

By Joe sequichie.

- Q Do you know Joe Manley? A. Yes sir.
Q Do you know his people? A. Yes sir.
Q How long? A. All my life.
Q When was the first time that you saw Joe Manley? A. In '66, he was born at wahlequah on the Illinois river.
Q Do you remember having seen him or his family in 1880? A Yes sir I seed him and his father.
Q Did he have a step mother? A. Yes sir.
Q what was her nationality? A. Polly Cox or Manley.
Q No other name that you knew? A. Dick.
Q what was she? A. A Delaware.
Q where did they live? A. In Coowescoowee now.
Q Do you know if she enrolled her children on the 1880 roll? A. I cant say.

By W. V. Hastings:

- Q How old are you? A. About 44 or '5 years old.
Q You were about 10 years old when the war closed? A. Yes sir I suppose so.
Q where did you live when the war closed? A. In the Choctaw Nation
Q who brought you back here? A. whitmire.
Q what witmire? A. Our owners.
Q Come to Going snake, that was where they lived wasn't it? A. I believe it was canadian.
Q was you present when this boy was born? A. Yes sir.
Q what house was he born at? A. Close to Joe Spears place.
Q On the Illinois river? A. Yes sir between there and Barren fork.
Q Did his mother go south with you? A. No sir.
Q Had she been out of the country? A. They said they went north.
Q did you see her up north? A. No sir.
Q where did you see her? A. In the Nation here.
Q when? A. In '66 towards the last part of the summer.
Q After you come back? A. Yes sir.
Q what were you doing up there? A. My mother went up there to get her, she was her daughter.
Q was this boy's mother your sister? A. Yes sir.
Q what kind of a conveyance did you have when you come here? A. went by land, there was no trains running then.
Q Did his father come upthere? A. Yes sir.
Q Come back with his mother? A. Yes sir.
Q And they lived on the Spear place? A. Yes sir.
Q South of wahlequah? A. Yes sir, on the Uncle Danial Sanders place.
Q this boy's mother was killed? A. Yes sir.
Q Bub have killed her? A. Yes sir.
Q Bub have was a recognized Cherokee citizen wasn't he? A. Yes sir.
Q were you at Fort smith during his trial? A. No sir.

Joe. Manley 5.

Q You are an uncle of this fellow? A. Yes sir.

By the Commission.

Q What was this applicant's mother's name? A. Klizaa

Q Was she a slave? A. Yes sir.

Q Who did she belong to? A. George Whitmire.

Q You know that she returned in '66? A. Yes sir.

Q She is not living now? A. No sir.

Q Did you know his father Alonso? A. Yes sir.

Q Was he a slave? A. I don't know anything about him.

Q How long has Kliza been dead? A. Died in '75 I think.

FRANK PACK called and sworn as a witness for the applicant testified as follows:

By the Commission.

Q What is your name? A. Frank Pack.

Q How old are you? A. 40.

Q What is your post office address? A. Tahlequah.

Q Are you a recognized Cherokee Freedman? A. Yes sir.

By Joe Sequichie:

Q When did you first know Joe Manley? A. Ever since he was a small boy, he lived two and a half miles from us on the Illinois river.

Q Where? A. Near Tahlequah.

Q Did you know his mother? A. Yes sir.

Q What was her name? A. Kliza.

Q How long did Joe Manley and his family stay there in that country?

A They was there in '67 or '68 and staid there until '75 and moved from there; she got killed I think in '75.

Q Who killed her? A. Rub Nave.

Q What disposition was made of his case? I don't know.

By the Commission:

Q You say you knew this boy's mother? A. Yes sir.

Q Was she a slave? A. I guess so.

Q When was the first time you ever saw her? A. '67 or '8.

Q Not as early as '66? A. No sir.

Q How far did you live from her? A. Two and a half miles, they lived on the other side of the river, we lived between there and Warren work.

Q Did they live between you and town? A. Yes sir, we had to come by there to go to town.

Q You never saw her till '67? A. Yes sir that was the first time.

ROBERT WEBBER, called and sworn as a witness for the applicant, testified as follows:

By the Commissioner:

Q What is your name? A. Robert Webber.

Joe Manley 6.

- Q what is your post office address? A. Hayden.
Q Are you a recognized Cherokee freedman? A. I ought to be if I am not.
Q Is your name on the roll of 1880? A. I dont guess it is.
Q What is your age? A. 65.

By Joe Sequiebie.

- Q Do you know Joe Manley? A. Yes sir.
Q His wife? A. Yes sir.
Q What relation is she to you? A. My daughter.
Q How old is she? A. 34.
Q where was she born? A. On Barren Fork.
Q What district? A. Tahlequah.
Q Has she lived with you all the time she has been in the Cherokee Nation? A Yes sir.

By the Commission:

- Q Did you sf out of the Cherokee Nation during the war? A. Yes sir.
Q Where did you go? A. To Texas.
Q When did you return to the Cherokee Nation? A. In '66 .
Q When was this Kate Manley born? A. I returned to the Nation in '66 and she was born the next fall.
Q In the Cherokee nation? A. Yes sir, on barren fork 10 miles east of tahlequah.
Q Do you know if this applicant and your daughter Kate are married? A Yes sir.
Q How do you know it? A. Joe come and asked me for her and I gave her to him and he went off with her.
Q How long have they been living together was man and wife? A. I dont exactly remember.
Q Was she ever married before? A. No sir.
Q Was Joe ever married before? A. No sir.
Q How many children have they? A. seven.
Q What is the oldest one named? A. Ida.
Q Kate never had any children before she married Joe? A. No sir.

By Hastings:

- Q Who did you go to Texas with? A. With part of waitie's men.
Q Staid there during the war? A. Yes sir.
Q Who did you come back with? A. Caldene Gunter.
Q He lives in Arkansas? A. Yes sir.
Q When did you come here? A. In '66.
Q Where did you come to? A. On Reaches' place on Barren work.
Q On George Roach? A. Yes sir.
Q Who else was living there? A. His sisters, Mary and Sallie,
Q Any of them living? A. Yes sir.

Applicant's agent asks that the enrallment which he claims is intended for that of the applicant in 1880 be put in the record

The 1880 roll examined and on page 96, No. 959 thereof is found the name of Joseph Dick in Coowescoowee district, as an adopted Delaware.

By Hastings of the applicant:

Q You didn't make any claim or make any reference to your name being on the 1880 roll five years ago before the Kern Clifton court did you? A. Not as I know of, but I knowed just as well then as I do to-day.

By the Commission

Q Do you know how old you are? A. No sir, but I was told that I was 35 years old.

By Com'r Needles,-

Joseph Manley applies for himself, his wife Kate, and six children, to-wit: Ida, Frank, Sarah, Lela, Joseph Jr. and Willie Manley: he is not identified on the 1880 freedman roll or the Census Freedman roll of 1896; he is identified on the Kern Clifton and Wallace rolls as Joseph Manley; he avers by his agent that one Joseph Dick is enrolled on the authenticated roll of 1880 as a Delaware Indian, and the page and number of said roll giving said enrollment is set forth in the testimony and it is claimed that that enrollment is intended for the applicant; he claims that his step mother was one Polly Manley or Dick, and the name of Polly Dick is found on the 1880 roll, and he claims that she enrolled him with her other children as Joseph Dick. He applies for the enrollment of his wife Kate: she is identified on the Kern Clifton roll and on the Wallace roll but not on the authenticated roll of 1880 or the census roll of 1896. He avers that she is the child of Robert and Marguerite Webber and the names of her father and mother are not found on the authenticated roll of 1880; they are known as disputed citizens and reference will be made to the testimony that will be taken in the said Robert Webber's application when same shall have been made, he not having as yet applied for enrollment. A copy of the testimony taken in said case will then be filed with this application and made a part of the application as for the with the names of his four eldest children are identified on the Kern Clifton roll, but the names of his two youngest children are not on said roll and it will be necessary for him to file with this Commission satisfactory proof as to their birth. My reason of the fact that the name of Joseph Manley is not found on the authenticated roll of 1880, and for the further fact of the indefiniteness of the testimony as to the identification of the applicant with the Joseph Dick whose name is found on the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony, and for the further fact that no proof is adduced as to the citizenship of the applicant's wife Kate, the said Joseph Manley and his said wife Kate Manley and their six children as enumerated herein will be listed for enrollment as Cherokee freedmen on a doubtful card for the further consideration of the Commission, and when the final decision therein is made he will be notified of the same by mail.

By W. J. Hastings:

"comes now the representative of the Cherokee Nation and call attent on to the fact that the roll of 1880 as presented before the Commission, shows the names of Richard, Joseph and Emily Dick together as all one family, and neither the names of Richard and Emily have been mentioned by the applicant in his testimony as being among the members of his family."

WITNESSED AND
CORROBORATED BY THE
INVESTIGATING
DEPARTMENT OF THE
JUNE 20, 1901.
CHAS. VON WEISE

Joe. Manley

8

SUPPLEMENTAL TESTIMONY.

Applicant recalled and examined by Joe Esquichie.

Q Can you tell how this third party was in the Dick family? A. Yes sir.
Q Did you have a step brother? A. No sir, that was a boy that she was raising, a boy named Will Cullen, that is the third party that is enrolled here.

Chas. Von Weise, being sworn states that as stenographer to the Commission to the five civilized tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(Signed) Chas. Von Weise.

Subscribed and sworn to before me this the 20th of June, 1901 at Nowata, I.T.

(Signed) T. B. Needles,
Commissioner.

515

MISSION TO THE FIVE CIVILIZED STATES

FILED

JUN 2 1901

[Handwritten signature]

CHEROKEE FREEDMAN D 628

1515

IN RE
Application for Enrollment of
INFANT CHILD

Joseph Manley Jr.
as a citizen of

CHEROKEE Nation

Approved Jul 8, 1901 190

C. R. Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED JUL 8 1901

TAMS BIXBY
ACTING CHAIRMAN.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,
of Joseph Manley Jr. (Here insert name of child.), born on the 8 day of April, 1895
Name of Father: Joseph Manley a citizen of the Cherokee Nation.
Name of Mother: Kate Manley a citizen of the Cherokee Nation.
Postoffice Hayden, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
NORTHERN DISTRICT

I, Kate Manley, on oath state that I am 34
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Joseph Manley, who is a citizen, by
adoption, of the Cherokee Nation; that a male child was
(Male or Female.)
born to me on 8 day of April, 1895; that said child has been named
Joseph Manley Jr., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) { Millie Reed
Annie Elms

her
Kate X Manley
mark

Subscribed and sworn to before me this 20 day of June, 1901
My Commission Expires March 25, 1905 Wm. Madden Jr.
P. O. Hayden, I. T. (SEAL) Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
NORTHERN DISTRICT

I, Matilda Warren, a midwife, on oath state that I
attended on Mrs. Kate Manley, wife of Joseph Manley
on the 8 day of April, 1895; that there was born to her on said date a male
child; that said child is now living and is said to have been named Joseph Manley Jr.
(Male or Female.)

WITNESSES TO MARK:

(Must be Two Witnesses.) { Millie Reed
Arrie Elms

her
Matilda X Warren
mark

Subscribed and sworn to before me this 20 day of June, 1901
(SEAL) Wm Madden Jr
Notary Public.

1515

~~Cherokee Freedman D 638~~

IN RE

Application for Enrollment of
INFANT CHILD

Willie Manley

as a citizen of

CHEROKEE

Nation

Approved Jul 8 1901 190

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED JUL 8 1901

TAMM BIXBY
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,
of Willie Manley (Here insert name of child.) , born on the 7 day of Feb, 1897
Name of Father: Joseph Manley a citizen of the Cherokee Nation.
Name of Mother: Kate Manley a citizen of the Cherokee Nation.
Postoffice Hayden, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Kate Manley, on oath state that I am 34
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Joseph Manley, who is a citizen, by
adoption, of the Cherokee Nation; that a male child was
(Male or Female.)
born to me on 7 day of Feb, 1897 that said child has been named
Willie Manley, and is now living.

WITNESSES TO MARK: Kate X Manley
mark
(Must be Two Witnesses.) { Millie Reed.
Annie Elms

Subscribed and sworn to before me this 20 day of June, 1901

My Commission Expires March 25, 1905 (SEAL) Wm. Madden Jr.
P. O. Hayden, I. T. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Betsy Whitmire, a midwife, on oath state that I
attended on Mrs. Kate Manley, wife of Joseph Manley
on the 7 day of Feb, 1897; that there was born to her on said date a male
(Male or Female.)
child; that said child is now living and is said to have been named Willie Manley

WITNESSES TO MARK: Betsy X Whitmire
mark
(Must be Two Witnesses.) { Millie Reed
Annie Elms

Subscribed and sworn to before me this 20 day of June, 1901

(SEAL) Wm. Madden Jr.
Notary Public.

5/5

IN RE
Application for Enrollment of
INFANT CHILD

Daisy Manley
as a citizen of

CHEROKEE Nation

Approved June 14 1902

T. R. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED JUN 14 1902

TAMS RIXBY
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,
of Daisy Manley (Here insert name of child.) , born on the 24 day of Mar, 1902
Name of Father: Joseph Manley a citizen of the Cherokee Nation.
Name of Mother: Kate Manley a citizen of the Cherokee Nation.
Postoffice Hayden I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, (
 NORTHERN DISTRICT.)

I, Kate Manley, on oath state that I am 35
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Joseph Manley, who is a citizen, by
adoption, of the Cherokee Nation; that a female child was
(Male or Female.)
born to me on 24 day of Mar, 1902; that said child has been named
Daisy Manley, and is now living.

her
Kate X Manley
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Joe Alberty
Manda Madden

Subscribed and sworn to before me this 5 day of June, 1902

Wm. Madden Jr.

(SEAL)

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, (
 NORTHERN DISTRICT.)

I, Catherine Hester, a midwife, on oath state that I
attended on Mrs. Kate Manley, wife of Joseph Manley
on the 24 day of Mar, 1902; that there was born to her on said date a female
(Male or Female.)
child; that said child is now living and is said to have been named Daisy Manley

Catherine Hester

WITNESSES TO MARK:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 5 day of June, 1902

My Com Expires Mar 25, 1902

Wm. Madden Jr.

(SEAL)

Notary Public.

Cher Fr 1516

Cher Fr 1516

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment
as a Cherokee Freedman.

Appearances:

J. B. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Sidney West, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Sidney West.
Q How old are you? A I really don't know.
Q About how old? A I am about as near as I can come at it, about
56 I guess.
Q What is your post office? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q How do you want to enroll besides yourself? A Just my children.
Q How many children? A Six.
Q Have you got any children under age? A No, sir.
Q Your name on the roll of 1880? A I don't know, sir, whether
it is on there.
Q You don't know whether it is on any roll or not? A No, sir.
The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.
The Kern-Clifton roll examined and the applicant not identi-
fied thereon.
The Wallace roll examined and the applicant not identified
thereon.
Mr. Sequichie: Mrs. West, can you give any reason why you are not
on any of the rolls? A Well, I followed the Kern around to Gibson
and to White and I followed them to Anderson, and they didn't put
me on because I didn't have any witnesses just then.
Q What court do you mean by that? A Kerns.
Q The Kern-Clifton enrollment? A Yes, sir.
Q What was the reason you didn't have any witnesses with you?
A Well, I thought I would find witnesses there on the ground and
it seems like nobody didn't want to own me.
Q Who did you belong to? A John West.
Q Were you here in the Cherokee Nation during the war between the
Confederates and the Union rebellion, the last war? A During of
the war, no sir.
Q Were you here before the war? A Yes, sir.
Q Where did you go during the war? A Went down to the Choctaw
Nation.
Q Were you ever married? A Yes, sir.
Q Who was your husband? A Charles Chambers.
Q How long did Charles Chambers and yourself live together?
A We lived together till we raised a family.
Q Do you remember what year you came back to the Cherokee Nation
after the war? A In '65 they told me, the fall of '65.
Q Who came back with you? A Charles Chambers.
Q Anybody else? A No, sir, because we went out from Red
River here.
Q What part of the Cherokee Nation did you come to when you re-
turned? A Sequoyah.
Q Do you know the reason why you are not enrolled on the 1880 roll?
A Why I don't know nothing at all about it.

Sidney West - 2.

- Q In fact you had no one to look after you? A No, sir, I didn't have anyone to look after me.
- Q Just alone? A Myself alone.
- Commissioner: Were you a slave? A Yes, sir.
- Q To whom did you belong? A John West.
- Q Was he a Cherokee? A Yes, sir.
- Q Where were you born? A On Grand River.
- Q In the Cherokee Nation? A Yes, sir.
- Q And you went out during the war? A Yes, sir.
- Q Did you go any farther south than the Choctaw Nation? A No, sir.
- Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.
- Q Did you ever apply to the Creek Nation for citizenship? A No, sir.
- Q You ~~are~~ never drew any money from the Cherokee Nation then at all? A No, sir.
- Q Never been recognized? A No, sir.
- Mr. Hastings: Where did you live before the war? A In Canadian.
- Q In Canadian district? A Yes, sir.
- Q Is your old master alive? A No, sir, he is dead.
- Q Your young master alive? A Yes, sir.
- Q Tell John West? A Yes, sir.
- Q You belonged to them when the war came up? A Yes, sir.
- Q You went out during the war? A Yes, sir.
- Q Now you stated a while ago that you followed that Kern-Clifton Court around, and that you never could get a hearing, didn't you? A Yes, sir.
- Q You didn't get any hearing, did you? A No, sir, I never got any hearing from it.
- Q I don't want you to misunderstand; you mean you never got to go before the court? A Yes, sir, I went before the court.
- Q But you couldn't find any witnesses then? A No, sir.
- Q Wasn't Charlie Chambers there? A He was there.
- Q Wasn't Columbus Lasley there? A Yes, sir, he was there.
- Q Couldn't you get them to swear for you then? A No, sir, I didn't, I didn't try, I must tell you the truth about it, for I was sick at the time.
- Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Vinita and they wouldn't hear her there at all.
- Q What was her name? A At that time she was a Brewer, but she is Mrs. Ruthie Tinley now.
- Q Where does she live? Oolayah.
- Q Does she know when you came back? A Yes, sir.
- Q Did you come back with her? A No, sir, I came ahead of her.
- Q Where did you come in the Cherokee Nation? A Sequoyah district.
- Q Now who came with you? A Charles Chambers.
- Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.
- Q Well, you came to Sequoyah district, did you? A Yes, sir.
- Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living on a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.
- Q Did you continue to live there? A Yes, sir, lived there three year.
- Q Do you know John Helton? A Well, no sir, I don't know whether I did or not.
- Q Who did you know down there in that settlement? A John Campbell.
- Q He is dead, is he? A Yes, sir, he is dead.
- Q Anybody that is living that was there then? A Well, old man

Sidney West - 3.

Jack Campbell, he is dead too.

Q How about Dr. Campbell, at Illinois Station? A I don't know nothing about him.

Q Anybody else down there that you can think of that is living now?

Q Well Harrison Foreman was one.

Q Was he living down there then? A Yes, sir, he was right there then.

Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.

Q Do you know Mrs. Franklin's daughter, Eliza McGrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Alinda.

Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.

Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.

Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.

Q That was the winter after the close of the war? A Yes, sir,

Q That was the next winter was it? A It was that coming winter.

Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.

Q You came up there with him? A Yes, sir.

Q And you lived there with him about a year? A Yes, sir.

Q Did you live with him until the winter following that? A He left in the spring.

Q The following spring? A Yes, sir.

Q Did you see him any more? A Yes, sir.

Q When did you see him? A Well, I came to Gibson and we lived together again when I came there.

Q Well, how long had he been gone before you went up there?

A He had been gone about a year.

Q And you went up there and lived with him, to Gibson? A Yes, sir.

Q It was about a year after he left you before you went to Gibson?

A Yes, sir.

Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.

Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.

Q Did you live with Charles Chambers at Park Hill? A Yes, sir.

Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.

Q Then where did you go? A I went to Tahlequah.

Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.

Q Well, where did you go from Tahlequah? A I came to Pryor Creek.

Q How long did you stay live there? A I stayed to Pryor Creek about a year.

Q Well, then where did you go? A I went to Timber Hill.

Q Who did you live with at Timber Hill? A Lived with my sister.

Q What was her name? A Harriett Marcum.

Q Where did you go from Timber Hill? A Well, I hired to a man over in the Creek Nation.

Q About when was that? A I really can't say tell you.

Q About how many years ago? A Well, I just can't tell you that, to be honest with you.

Q As much as 20; about how long after the war was it? A I don't know as I can tell you that.

Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

Sidney West - 4.

th. Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q Have you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Roley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of West, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from there? A Been about five years.

Q You moved back when the Kern-Clifton Court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

A Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring peace was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is ~~still~~ dead.

Q What was her name? A Her name was Hattie.

A What are your other children's names not who are alive?

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Chapman.

Q Where was Sarah born? A She was born in the Cherokee Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kern-Clifton Commission that you lived west of Checotah, towards the sunset of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Checotah? A No, sir, I never did live that direction.

Q You never said that? A No, sir, if I did I don't remember it, I went to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does

Q You said a while ago that you lived in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Sidney Vest - 5.

- Q Now, how long have you lived in Canadian district now? A I don't live there.
- Q Where do you live? A I live up here on Lightening Creek?
- Q When did you move up here? A Over five years ago.
- Q Where did you move from up here? A I moved from the Creek Nation.
- Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.
- Q How long had you been living at Gibson when you went over there? A I was just going backwards and forwards.
- Q Where did you have a house; have one at Gibson? A Yes, sir, I have a house at Four Mile Branch, well at Park Hill.
- Q When did you have one there? A When me and Charlie lived there.
- Q After that? A I never had a house after that, I was just working out.
- Q You never had a home after that? A No, sir.
- Q That was about four years after the war? A Yes, sir.
- Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.
- Q Where have these children been living? A Left them once with my sister.
- Q What is her name? A Mintie Martin.
- Q Where does she live? A On Pryor Creek.
- Q How long did you leave them there? A Left them once about six months, and another time nearabout a year.
- Q Now tell me how long you have been living in the Creek Nation? A Well I have told you.
- Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.
- Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I was just backwards and forwards.
- Q Did your husband have a home over there? A Yes, sir, he did.
- Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellop.
- Mr. Sequichie: Which McKellop? A Albert.
- Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.
- Q Where you could get work? A Yes, sir, wherever I could get work to support my children.
- Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.
- Q Never worked there? A Never was in the state in my life.
- Q Arkansas? A No, sir.
- Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.
- Q You had two children, Lucinda and Eva, born in the Creek Nation? A No, sir, never had a child of that name in my life.
- Q They are your grandchildren? A Might be.
- Q I ask you if you know them, Lucinda and Eva Colonel? A That is right.
- Q You know them now? A Yes, sir.
- Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.
- Q Those children are they? A They are my daughter's children; they are in the Creek Nation with their father.

Charlie Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

Sidney West - 6.

- Q What is your name? A Charlie Chambers.
- Q About how old are you? A 70 years old.
- Q What is your post office? A Hudson.
- Q Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.
- Q Did you and her ever live together as man and wife? A Yes, sir.
- Q When were you married? A Well, we were not married, we took up together just like the darkies always just used to do; there wasn't anybody to marry us in that times.
- Q When was that? A That was in the war time, just directly after the war first came up.
- Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.
- Q During the war? A In time of the war.
- Q How long did you and her live together? A We lived together I guess about, as well as I can recollect, six or seven years.
- Q Did you return back to the Cherokee Nation with her? A Yes, sir.
- Q What year was that? A They told me it was in '65, they wasn't hardly stopped fighting yet, anyway when we came along, they were killing all along the road.
- Q Are you on the 1880 roll? A Yes, sir.
- Mr. Sequichie: I would like to identify him on the 1880 roll.
- Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.
- Mr. Hastings: Where did you know this woman down south? A Knew her first at John West's.
- Q John West living down there? A Yes, sir, he was living there.
- Q Charlie, you ever been up before the courts any? (No response.)
- Q Ever tried at Fort Smith; answer the question? A Well yes I told you that; you ask me that every day.
- Q Convicted? A No, sir.
- Q Was you ever tried in the Cherokee Court? A Yes, sir.
- Q Ever tried by the United States Court at Vinita? A Yes, sir.
- Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.
- Q You never testified for this woman then? A No, sir.
- Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.
- Q Did she ask you to testify for her? A No, sir.
- Q Was this woman Sidney West a slave? A Yes, sir.
- Q Who did she belong to? A She belonged to John West.
- Q John West a Cherokee citizen? A Yes, sir.
- Q Was she taken out of the country during the war? A Taken out at the commencement of the war.
- Q Where to? A She was taken down there to Red River in the Choctaw Nation.
- Q Do you know when she came back? A Yes, sir.
- Q When? A Came back in '65.
- Q You came with her? A Yes, sir.
- Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there, and I don't know how long we did live together there.
- Q You say you lived with her ~~here~~ in the Cherokee Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Sidney West - 7.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

A Yes, sir, I had heard she was living in the Creek Nation?

Q She has married over there? A Yes, sir.

Q She lived over there until a few years before the Kern-Clifton Commission? A No, sir, she hasn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her, anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do; of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave her with? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on an old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You run off and left her down there? A Yes, sir, I come off and left her down there.

Columbus Lasley, being duly sworn and examined by Commissioner Needles, testifies as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 53.

Q What is your post office? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Sequichie: Mr. Lasley, do you know Mrs. Sidney West? A Yes, sir.

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south, after the war?

A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and ~~we~~ ^{we} lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places; she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, she told me she lived over here on Canadian or some place, in the Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time in '67 did you see this woman? A It was in '67 we went out on the Four Mile Branch, it was after that I got acquainted with her.

Sidney West - 8.

Q What time of the year, do you recollect? A No, sir, my recollection, it was the spring or summer.

Q Or fall? A I think it was in the summer.

Q You think it was after the first of January? A No, sir, it was in '67 when we went out there, and after that I saw this woman.

Q What time in '67 did you go out there? A We went out there in the summer.

Mr. Sequichie: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there, Mrs. Finley and Mr. West.

Commissioner: Sidney West applies for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of June, 1901.

J. B. [Signature]

Commissioner.

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DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

1880

CHEROKEE FREEDMEN.

Date JUN 7 1901
Post Office Hayden, S.C.
District COOWEESCOOWEE.

1. Name
Owner's name _____ Age _____
Year _____ Page _____ No. _____ District _____
Citizenship _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

1/2. Name of wife Sidney West Age 56
Owner's name Jimmie West Citizenship White
Year _____ Page _____ No. _____ District _____
Citizenship _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

10

- | | | | | |
|-----|------|------|-----|-------|
| 3. | Year | Page | No. | Dist. |
| 4. | Year | Page | No. | Dist. |
| 5. | Year | Page | No. | Dist. |
| 6. | Year | Page | No. | Dist. |
| 7. | Year | Page | No. | Dist. |
| 8. | Year | Page | No. | Dist. |
| 9. | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12. | Year | Page | No. | Dist. |

Application made by (#1) Stenographer B.C. Jones

not on original.

Y. Jones, S.C. Agent for applicant

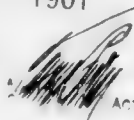
F. D. 564

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 7 1901

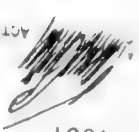


ACTING CHAIRMAN

The Commission will report
 on the matter in its
 report to the Secretary
 of the Interior in
 its report of 1901 -
 (see page 10)

I the undersigned agent
for the within named
applicant hereby accept
the service of the within notes
this Sept 7 1901 -
J. L. Sanchez
agent for applicant

ACTING CHAIRMAN



SEP 7 1901

FILED

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jo

42.564

NOTICE!

IN THE MATTER OF The application of
for enrollment as a Cherokee Freedman:

Case No. F. D. 564

To

Sidney West of R. Seaman

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Indian Territory, on the following dates, to-wit:

Sept 16
A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 31st day of

1901

B Bell

Attorneys for the Cherokee Nation.

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INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned ^{agent} ~~attorney~~ for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901.

R. S. ...
~~attorney~~ for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } e. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
SEP 16 1901

[Handwritten signature]

NOTICE!

IN THE MATTER OF The application of *Widow West*
for enrollment as a Cherokee Freedman

Case No. F. D. 564

To *Widow West* or *J. R. Sequitahie A. D.*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Wagon Mound* Indian Territory, on the following dates, to-wit: *Sept. 24th* *Sept. 25th* *Sept. 26th* A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *14th* day of *Sept.*, 1901.

M. W. Sequitahie

Attorneys for the Cherokee Nation.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 16 1901



NO. 1 A.P.M.

COMMISSIONERS
HENRY I. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

17th Annual Report June 16 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Richard West for enrollment as
Freedmen of the Cherokee Nation.

No. 12014

V. B. Mitchell
Agent

Supl. C. F. - D. #664.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SIDNEY WEST as a Cherokee Freedman; introduced on the part of
Applicant:

APPEARANCES:

Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles,
testified as follows on behalf of Applicant:

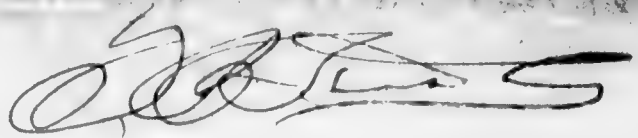
- MR. SEQUICHIE: What is your name? A John C. West.
- Q Post office? A Muskogee.
- Q Your age? A 59.
- Q Mr. West, do you know a Cherokee Freedman, applicant, by the name of Sidney West? A Yes, sir.
- Q Did she belong to you or your family some way? A Yes, sir, she belonged to father.
- Q Do you remember what time, whether before the war or after the war she left the Cherokee Nation? A She left the Cherokee Nation in about '63.
- Q You remember what year she came back? A No, sir.
- Q Did you ever hear of her any more after she left here?
(Question objected to by Mr. Hastings.)
- Q Do you know when she came back to the Cherokee Nation?
A No, sir, I don't.
- Q Did you see her at any time while she was away? A Yes, she was with the family.
- Q Where? A From '63 until about '66 I guess.
- Q Where was that? A Down in the Chickasaw and Choctaw Nation, down on Red river.
- Q In the Indian Territory? A Yes, sir.
- Q To about what year was she in the family? A As well as I remember about '65.
- Q Do you know where she went then? A No, sir, I don't.
- Q Did you ever see her in the Cherokee Nation after that?
A No, sir, I don't believe I ever did.
- Q Never seen her? A No, sir.
- MR. HASTINGS: Where do you live, in what district?
A Canadian.
- Q How long have you lived there? A I have lived there since '60.
- Q How wide across east and west is Canadian district? A I suppose it is about 32 miles, east and west.
- Q How far north and south? A About the same distance.
- Q You have been sheriff of your district? A Yes, sir.
- Q You have lived there ever since the war? A Yes, sir.
- Q Been on the Police force? A Yes, sir.
- COM'R NEEDLES: You say Sidney West during the war went to the Chickasaw Nation? A Choctaw Nation, she went down there with the family.
- Q She didn't go any farther south than the Choctaw Nation?
A No, sir.
- Q And the last you saw her was in the Choctaw Nation in '65?
A Yes, sir.

---oooOOOooo---
J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Supl. C. F. No. 564. ---

Subscribed and sworn to before me this October 4th, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 15th 1901.

In the matter of the application of Thomas Archer, C. F. D. 901.

Appearances:

James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicants:

CLEM V. ROGERS, being first duly sworn by Com'r T. B. Needles,
testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Clem V. Rogers.

Q Where do you live? A Claremore.

Q What is your age? A 63.

Q How long have you lived in the Cherokee Nation? A All my life
except during the war.

Q Do you know the applicant Thomas Archer? A Yes sir.

Q How long have you known him? A Since '80.

Q Where was he when you first saw him to know him? A Cooweescoowee
district.

Q Where were you in '67? A Fort Gibson.

Q Did you have anything to do with the Roger's Salt Works on Grand
river in '67? A No sir.

Q Did you go there yourself or with anyone else in '67 and take them
away from Thomas Archer or any other person? A No sir, in '67 I was
freighting.

Q Did you ever drive him or any one else away from them? A No sir.

(By Mr. Smith)

Q There are several gentlemen that are Cherokee citizens by your name
are there not? A Yes sir.

Q It is a right prominent name in the history of the Cherokee Nation?
A Yes sir.

Q If Thomas Archer testified that you took the salt works away from
him he was mistaken about that? A Yes sir.

Q You dont know when he came back? A No sir.

Q Did you know him before the war? A I dont know that I did,

(By Davenport)

Q There was only one Clem Rogers in the Cherokee Nation in '67 tho
was a grown man? A I didn't know of any other at that time, there
is several now.

=====

This will be filed in Cherokee Freedman cases, D-901; D-1002; D-481;
D-482; D-483; D-484; D-488; D-489; D-490; D-491; D-828; D-950; D-564;
and D-503.

Chas. von Weise, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cause and that the foregoing is
a full, true and correct transcript of his stenographic notes therein

Submitted and sworn to before me this the 17th of October 1901.

(Signature)
Commissioner.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of---

Etta Manley et al.,	Cherokee Freedmen D-563,
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-435,
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-554,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire) et al.	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Veiga, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1860, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 85, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866 and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman, and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber

and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Waynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby
Chairman.

(Signed) T. R. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 5 1905.

IN RE
THE DEATH OF
Sidney West
a citizen of the
Cherokee Nation.

Approved *Aug 25* 1906
[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
AUG 25 1906

[Signature]
COMMISSIONER.

RECEIVED
Aug 25 1906

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sidney West
(Here insert name of deceased)
a citizen of the Cherokee Nation, who formerly resided at or near
Rentiesville (Here insert name of postoffice), Ind. Ter., and died on the 22nd
November, 1905.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.
I, Sabra McQueen, on oath state that I am 44
years of age and a citizen, by adoption of the Cherokee Nation;
that my postoffice address is Checotah (Here insert name of postoffice), Ind. Ter.; that I am
a daughter (State relationship, as the father, an uncle, a cousin, etc.) of Sidney West
(Here insert name of deceased.)
who was a citizen, by adoption of the Cherokee Nation
and that said Sidney West (Here insert name of deceased.) died on the 22nd
November, 1905.

WITNESSES TO MARK:
(Must Be Two Witnesses) Wiley Jones
Ed Jeffers
Sabra X McQueen
mark

Subscribed and sworn to before me this 23 day of Aug, 1906.
Ed Jeffers
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.
I, Kittie Roberts, on oath state that I am 31
years of age, and a citizen by adoption of the Creek Nation;
that my postoffice address is Muskogee (Here insert name of postoffice), Ind. Ter.;
that I was personally acquainted with Sidney West (Here insert name of deceased.)
who was a citizen, by adoption of the Cherokee Nation;
and that said Sidney West (Here insert name of deceased.) died on the 22nd
November, 1905.

WITNESSES TO MARK:
(Must Be Two Witnesses) Wiley Jones
Ed Jeffers
Kittie Roberts

Subscribed and sworn to before me this 23 day of Aug, 1906.
my commission expires Jan 31 1909
Ed Jeffers
Notary Public.

4

34

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Walter West,

Cherokee, T. T.

Cherokee, T. T. 884

Registrar.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Samuel Beck for enrollment as a Cherokee freedman, the Commission's decision in which case, rejecting, among others, this applicant, was returned by the Department at the commission's request, in order that additional testimony might be taken as to the rights of certain applicants embraced therein, you are advised that, at the request of Nevely & Givens, Muskogee, Indian Territory, attorneys for the applicant, the said Samuel Beck has this day been notified that he will be allowed to appear before the commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday September 23, 1904, and introduce the testimony of such witnesses as he may be able to procure in support of his application for enrollment as a Cherokee freedman.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that

-2-

offered by the applicant.

Respectfully,

Chairman.

Cherokee Freedmen
D 564

Muskogee, Indian Territory, August 31, 1904.

Samuel Beck,

Bartlesville, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman the Commission's decision in which case, rejecting your said application, has been returned by the Department, at the Commission's request, in order that additional testimony might be taken as to the rights of certain applicants embraced therein, you are advised that, at the request of your attorneys, Sevely & Givens, Muskogee, Indian Territory, you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday September 23, 1904, and introduce the testimony of such witnesses as you may be able to procure in support of your application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

Cherokee Freedmen
D 775.

Muskogee, Indian Territory, August 31, 1904.

Zevly & Givens,

Attorneys for Samuel Beck, et al.,
Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date, inclosing motion for a rehearing in Cherokee freedmen D 775, Samuel Beck, et al., said motion bearing evidence of service upon the attorneys of the Cherokee nation and being supported by numerous affidavits.

In reply you are advised that the Commission's records show that its decision dated July 10, 1903, rejecting, among others, this applicant, was forwarded to the Secretary of the Interior for review on August 17, 1903, and that thereafter, at the Commission's request, said decision was returned by the Secretary in order that further testimony might be taken as to the rights of certain applicants embraced therein, since which time no new decision has been rendered.

You are, therefore, hereby advised that the applicant, Samuel Beck, will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday September 23, 1904, and introduce the testimony of such

-2-

witnesses as he may be able to procure in support of his application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-363, et al.

Muskogee, Indian Territory, January 5, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1906, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Hannie Chatman, Evaline Jimison, Henry Caesar and Kliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

-2-

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED). *Tams Bixby.*

Encl. K-8.

Cherokee Freedmen
D-564.

Muskogee, Indian Territory, January 26, 1905.

Sidney West,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-12.

Register.

(S. B. B.) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-383 et al.

Muskogee, Indian Territory, January 26, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 6, 1905, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Estie Whitacre; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Wannie Chatman; Ryaline Jimison, Henry Caesar, and Eliza Rogers, and rejecting the applications for the enrollment of Etta, Alonso, Freddie, Waynard, Howard, Tessie, Harvey, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

(SIGNED)

Tams Dixie

Chairman.

Encl. 1-19.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-564 et al.

Muskogee, Indian Territory, January 26, 1905.

A. S. McRea,

Attorney for Sidney West et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the applications for the enrollment of Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Nannie Chatman; Evaline Jimison and Henry Caesar, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tame Bixby.

Chairman.

Encl. L-18.

Register.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

LAND:
3564-1905.
14810-1905.

WASHINGTON.

March 31, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber, nee Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1860 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitmire, Sam and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1866 and have continuously resided in the Cherokee Nation since birth.

The minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Waynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitacre are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison,

Henry Caesar, James, Julia and Hannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1880 and have continuously lived with their mothers since birth.

The record shows that the applicant, Frank Webber, died June 13, 1901.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. J. M.
W.

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR,

D.D. 22188

WASHINGTON.

PHE.

I.T.D. 3843, 4575, 5743-1905

5745, 5903, 5905- *

3344, 2907- *

10611, 12908- *

May 31, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonso Manley, Harvey Manley, Freddie Manley, Waynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Klisa Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1905 (Public No. 129).

An argument filed by Preston H. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
D 864.

COPY

Muskogee, Indian Territory, June 8, 1906.

Sidney West,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a Cherokee freedman schedule and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

SIGNED

Jams Birby.
Commissioner.

Cherokee Freedmen
D353 et al.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley, et al.,

Haxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Waynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmore, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Hattie Chatman, Susie Whitmore, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed
herewith a copy of Departmental decision referred to.

Respectfully,

Encl. A-93.
M.A.

Jame Dixby.
Commissioner.

copy

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Hannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

M.A.

MAILED
James Dixby
Commissioner.

Cher Fr 1517

Cher Fr 1517

Department of the Interior,
Commission to the Five Civilized Tribes,
St. George, I.T., April 20, 1901.

In the matter of the application of Sibra Queen for the enrollment of herself, as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q Give me your full name? A Sibra Chambers.
Q How old are you? A 37.
Q What is your postoffice? A Checotah.
Q In what district do you live? A Canada.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Whom do you want to enroll besides yourself? A No one else.
Q How long have you lived in the Cherokee Nation? A Ever since I could recollect.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Do you think you have lived in the Nation all your life?
A Yes sir.
Q Give me the name of your father? A Charles Chambers.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Sidney Chambers.
Q Is she dead? A No sir.
Q Have you ever married? A Yes sir.
Q How many times? A Once.
Q To whom were you married then? A Samuel Queen.
Q Is he dead? A No sir.
Q When did you marry him, ~~how~~ how long ago? A It has been about nine years I guess as well as I can recollect.
Q Are you and he living together at this time? A Yes sir.
Q Well your name is Queen then isn't it? A Yes sir, by marriage.
Q Are you on any of the rolls of the Cherokee Nation? A I don't know sir.
Q Have you ever applied for enrollment? A Not as I know of.
Q Have you ever drawn any money? A Not as I know of.
- 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
- Q How old is your father now? A I don't know sir.
Q Where is he living now? A In Cooweescoowee.
- 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's father identified thereon as follows:
page 93 #596 Charlie Chambers, Cooweescoowee Dist, adopted child
- Q Those are your half brothers and half sisters that you have heard called off there with him? A Yes sir.
Q You and they have the same father but different mothers, have you?
A Yes sir, the same father, but different mothers.
Q Have you any full brothers and sisters? A Yes sir, I have two brothers.
Q What are their names? A William Chambers, and Dick Chambers.
Q Are they both living? A Yes sir.
Q Which is the oldest of you three? A I am.
Q Are you the oldest child your father has ever had? A By my mother I am.
Q But he has some children older than you? A I expect yes sir.
Q These children in Cooweescoowee are younger than you? A Yes sir.
Com'r: To roll clerk: How old are those children there?
Roll clerk: John H., 18; Eddie, 2, Mack, is 5.
Q How many times has your father been married? A I don't know sir.
Q Well now there appears to be enrolled with your father in Cooweescoowee District, what you say is your half-brother, John H. Chambers, who would be now 38 or 39 years of age, which would make him year or two older than you.

Sabra Queen 2

- Com'r to roll clock: Who is with Charles Chambers there?
Roll clerk: Those children and his wife, Caroline.
Q D. you know anything about your step-mother, Caroline? A No sir.
Q You don't know anything about your father ever being married with a woman named Caroline as his wife? A No sir.
Q Well was your mother's name before she married your father?
A Sidney West.
Q How long has your mother been dead? A She is not dead.
Q She is alive, is she? A Yes sir.
Q What is her name now? A Sidney West.
Q Can you prove that your father and mother were ever married? A I can't prove they was married, but I can prove they was living together.

PERRY MACEY, being sworn and examined by Commissioner Brookbridge, testified as follows:

- Q Give me your name? A Perry Macey.
Q How old are you? A 54.
Q What is your post-office address? A Ruggs.
Q How long have you lived in the Cherokee Nation? A All my life, born and raised here.
Q Do you know this woman here, Sabra Chambers or Sabra Queen she is now? A I slightly knew her, but I know her parents better.
Q By what name do you know her now? A Sabra Chambers.
Q You don't know anything about her being married to a man named Queen? A No sir.
Q When did you first know this man? A I know her about 26 or 27 years ago.
Q She was a child then? A Quite small.
Q Have you seen her at any time from that day until this? A Well the time was far apart; I was lumber hauling backwards and forwards and dropped off at their house at Park Hill Prairie and stay all night; that was quite awhile ago when she was eight or nine years old.
Q When did you see her the next time? A Just last week.
Q Would you recognize her from having met her as a child? A No sir I wouldn't know it to be positive.
Q But you are sure that she is the same one? A Yes sir.
Q Give me the name of her father? A Charles Chambers.
Q Where is he living now? A Up in Cooweescoowee, supposed to be.
Q Do you know his wife? A Yes sir.
Q What is her name? A Sidney West, by own'r.
Q Well twenty years ago what was he doing with a woman named Caroline? A I don't know anything about that.
Q You don't know that woman? A No sir.
Q Was he living before that with a woman named Sidney? A I don't know that either.
Q You don't know Sidney West that was, who claimed afterwards to be Sidney Chambers? A I know her when she was a West.
Q You knew her as a Chambers' wife? A Not until about 26 or 7 years ago I know she was Charles's wife; lived in the house with him.
Q When you was there 26 or 7 years ago was this woman living with Chambers? A Yes sir, she was.
Q Did you ever hear of Chambers having been married before that time? A No sir, I did not.
Q You remember that woman distinctly do you, as living there as Chambers wife? A Yes sir, I do, stopping in there with them.
Q You don't remember the name of that child you saw there in that day, Sabra? A No sir.
Q You just remember seeing about a ten year old child? A Yes sir, I remember the three children, but I don't remember their names at that time.
Q You remember whether they were all boys? A No sir, there was a girl and a couple of boys to my remembrance.

Sabra Queen 3

Q You don't know when Charles Chambers and his wife Sidney started?

A No sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Where was it you saw them? A On this edge of Park Hill Prairie right by old Johnson Parris' place, about three quarters of a mile this side of Johnson Parris.

Q When was that? A About 27 years ago.

Q On whose farm were they living? A They wasn't on no farm at all; just put them up a little house in the brush.

Q Near whose place? A Johnson Parris.

EXAMINED, by attorney for applicant, Faulds:

Q You understood that this is the same woman who was the child at that time living with her father and mother? A I recognize her as being in the Chambers family at that time.

Q And you recognize Charles Chambers and Sidney Chambers as being father and wife? A Yes sir.

Q And she was there with them? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q I thought you said awhile ago you didn't recognize her? A I said I didn't ~~not~~ recognize her by her name.

Examined by Commissioner Brackinridge:

Q Would you have recognized her out on the big road? A I would have known her by family favor, that's all.

Q You think the family favor is pretty strong do you? A Yes sir. Anybody that ever saw him would recognize her to be his child.

Examined by Cherokee Representative, W.W.Hastings:

Q How long did Charley Chambers live in that neighborhood after that? A I couldn't tell you what.

RACHEL WILSON, being sworn and examined by Commissioner Brackinridge, testified as follows:

Q Give us your name? A Rachel Wilson.

Q How old are you? A 53.

Q What is your post-office? A Ft. Gibson.

Q How long have you lived in the Cherokee Nation? A All my life.

Q You know the applicant here, Sabra Queen? A I know her, that is I don't know anything about her only when my husband went to Mr.

Bob Smith-her mother sent for my husband to go after her and he brought her there home and she was with her mother.

Q What was her mother's name? A Sidney Chambers.

Q When was it she was brought? A I couldn't tell you what year it was.

Q About how long ago and how big was she? A She was about that high, (indicating about four feet),

Q Little thing, about six or seven years? A Yes sir, I guess so.

Q And you haven't seen her since that time? A No sir, ~~she was~~

Q She was there with Sidney Chambers? A Yes sir.

Q Do you know Charles Chambers? A I didn't know him until he come to get her mother.

Q And got this woman at the same time? A Yes sir.

Q Did you understand Charles and Sidney were a husband and wife,

A Only when he come he said Mr. Wilson, I come after my family, and he taken them and moved them that evening, and I never did see her no more until she was as large as she is.

Sabra Queen 4

- Q Took Sidney and this child? A Yes sir.
Q You remember any children besides this year? A She had three.
Q Were they boys or girls? A I don't know what the baby was, she had a boy and a girl and the young baby.
Q And that's all you remember until her the last few days?
A Yes sir.
Q You didn't know Sidney Chambers before that? A No sir.
Q You didn't know Charles Chambers before that? A No sir.
Q And you haven't kept track of Charles and Sidney since that? A No sir.

Applicant, Sabra Queen, re-called, and further examined, by Cherokee Representative, W.W. Hastings, states:

- Q Where have you been residing? A In the Cherokee Nation.
Q All the time in the Cherokee Nation? A Yes sir.
Q Your mother applied for you before didn't she? A I think she did.
Q And she swore you was living in the Creek Nation at the time didn't she? A I don't know what she swore.
Q Were you present? A No sir.
Q Isn't it a fact that you live out west of Checotah? A Yes sir.
Q And you lived there for how many years? A I don't know; three or four years.
Q You living there now? A I am, living, yes sir, at the same place now.

Examined by Commissioner Breckinridge:

- Q Well you told me you had lived all your life in the Cherokee Nation? A I mean I was bred and born and raised in the Cherokee Nation; I never had no home anywhere else; my home is in the Cherokee Nation.

Examined by Cherokee Representative, W.W. Hastings:

- Q When did you make that farm? A Couple of years ago.
Q Prior to that time you never had any? A No sir, only with my father.
Q How long did you live with the lady's parents, your father?
A Until I was about 11 or 15 years old.

Examined by Commissioner Breckinridge:

- Q And after that you had no home in the Cherokee Nation until about two years ago, when you had that farm? A Yes sir.
Q Where were you all that time, when you were 14 years old until 2 years ago, when you were 35 years old? A Well I was partly raised here on the Four Mile Branch, near Table Rock and up on Grand River.
Q Give me account of yourself now during that time, there's a time of when you were fourteen until you were 35, about 20 years?
A Well I have done give you all I know.
Q Is that the best you can say about it? A Yes sir, I have never been out nowhere.
Q Where were you living at that time and whom were you living with during that 20 years? A I lived awhile with my aunt.
Q Where was that? A Up on the Big Creek. Aunt Liddy Melton.
Q How long did you live with her? A Some two or three years.
Q And then where did you live? A I come back here and worked awhile at Muskogee.
Q How long did you work at Muskogee after you had lived with your aunt? A I don't know sir.
Q Worked there six months? A Yes sir, I guess so, it may have been a little longer.

A Con'd: Then after that I married.
Q Where did you and your husband live then, when you first married? A I lived with him in the Creek Nation.
Q How long did you live in the Creek Nation? A I don't know, sir.
Q You have accounted for three years and a half, now there's 16 years of married life that you haven't given any account of except that you lived with him a little while in the Creek Nation.
Q Two years of this last eighteen years of your life you had ~~xxx~~ farm in the Cherokee Nation, but sixteen and a half years of that
A Well I never had no home.
Q Well then tell me where you were? A I was just from ~~at~~ Table quah, to Muskogee and then from there to here on Four Mile Branch.
Q You didn't spend 16 or 17 years on the big road? A I was just working about.
Q With whom? A I worked while at Ft. Gibson.
Q How long did you work at Ft. Gibson? And who for? That was after your marriage? A No sir, before I married.
Q I am talking about after your marriage?
A I worked while at Muskogee.
Q You said that once? A Yes, well then after that I never worked nowhere.
Q Where did you live then, in idleness? A Oh I lived around with most of my kinpeople.
Q ~~xxx~~ Your husband living with you? A Yes sir, he is living.
Q Was he living with you all that time? A No sir.
Q Who was your husband at that time? A Sam McQueen.
Q You told me awhile ago you were only married to Sam McQueen nineteen years ago? A I ain't been married no longer I guess.
Q You have been married a great deal longer and coming to what you say now? A I couldn't keep count, mister, I couldn't count very well.
Q You haven't much to think about except what you have been doing, and generally colored people remember that exceedingly well?
A That's all I know; that's all I can tell you.

Examined by applicant's attorney, Faulds:

Q You at 14, if I understand you rightly, you lost your father and mother, are they separated, how was that? A Yes, they separated when I was about 14.
Q Where were they living and where were you living when they separated? A I was living over here on Park Hill Prairie in the Cherokee Nation.
Q Where did you go and what did you do? A We moved to Table quah.
Q How long did you live at Table quah? A I don't know how long it was, but from a rough guess we lived there quite a while.
Q Four or five years? A Four or five years, my mother worked for old Jess Williams, and I went to school there.
Q That would make you about 20 years old, well then where did you go then? A When we left Table quah we moved up here on Big Creek.
Q Is that in the Cherokee Nation? A Yes sir.
Q How long did you live there, about? A I will tell you in short, we lived there until uncle and I made three corn crops.
Q That would be three years, that would make you 23, ~~what~~ where did you go to from there? A We moved back down here on this Chouteau, Bull Creek.
Q Where is that? A It is in the Cherokee Nation.
Q Hastings, Quer: Rep've: In the Creek Nation you is an?
Applicant: Is it in the Creek Nation; no sir, my aunt didn't live in the ~~Creek's~~ Nation; aunt Harriet Martin didn't live in the Creek Nation; we lived up there awhile.

Examined resumed by attorney Faulds:

Q How long after that did you get married? A I don't know sir.
Q Where did you go to from there? A We came down here to Ft. Gibson.

Sabr. Queen 6

Q Have you any idea how long you staid there? A ~~At Gibson Station~~
~~xxxxxx~~ Not to this Pt. Gibson, it was Gibson Station, and we
staid there awhile.

Q Will do you know how long you stoped over there, ~~Carly~~

A We wasn't farming; I was working out.

Q How long did you work there? A I worked there two years,
to my recollection.

Q That would make you about 25, you recollect where you went to
when you left there? A When I left Gibson Station I went to Muskogee

Q How long did you live there? A Then I went back from Muskogee
to Gibson Station, and I lived there about a year and then I run
across this man and married him.

Q You would be about twenty-six or twenty-seven years old when you
married, or do you remember? A I don't remember.

Q Do you know how old you are now? A Just to tell you the real
truth about it, I don't know how old I am. I am just crossing at
my age.

Q To come back when you got married, where did you reside after
you got married? A I resided with my husband in the Creek Nation

Q How far was that from the Cherokee line? A I don't know; it is
justly guess it might have been for miles ~~about~~ from the Cherokee
line; it is close enough for me to go over there to work if I
wanted to.

Q On your farm there in the Cherokee Nation? A Yes sir.

Q Your hus and has got a farm in the Creek Nation? A Yes sir.

Q And you have got a farm in the Cherokee Nation? A Yes sir.

Q And you look after your farm in the Cherokee Nation? A Yes sir.

Q And you live in the same place ever since you got married? A
Yes sir.

Examined by Commissioner Breckinridge:

Q Is your husband a Creek? A That's what they say.

Q Have you ever applied to be enrolled in the Creek Nation? A I
never did.

Q Have you ever applied to be enrolled in the Cherokee Nation?

A Yes sir.

Q But so far as you know you have never been admitted on either? A
Never have been so far as I know anything about it at all.

Q When you applied before did you have any witness to prove that
your father and mother lived together as man and wife? A Yes sir.

Kerns-Clifton roll of citizens of the Cherokee Nation examined
and applicant's name not identified thereon.

Q You have never been married but once? A That's all.

Com'r Breckinridge: The applicant states that she is
a native of the Cherokee Nation and that she is now married
to a man named Queen, a Creek; and she claims to have lived
in the Cherokee Nation all her life, except a number of years
past with her husband in the Creek Nation; that she has never
applied for enrollment as a Creek or with any other nation or
tribe except the Cherokees; she is not identified upon any
roll of the Cherokee Nation, and the roll of 1880, the Kerns-
Clifton roll and the census roll of 1896 have been carefully
searched for her identification; she claims to be the child
of one Charles Chambers, who is duly identified with on the
roll of 1880, but he is there identified with another woman
previously his wife, Caroline, of whom the applicant knows
nothing; she will now be listed for enrollment as a Cherokee
Freedman on a doubtful card, and she is desired to establish
her marriage to her husband, Samuel Queen, from which arises
her change of name, and also to establish if possible the

Sabr. Queen 7

marriage between her father and her mother, who is now known as Sidney West, and both of whom are said to be still living and in the Cherokee Nation. Applicant's mother, Sidney West, formerly, as alleged, Sidney Chambers, is not identified on any of the rolls.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this April 22, 1901.



Commissioner.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 20 1901

Post Office *Chacotal*

District *Canadian*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife *Sabra Queen* Age *37*

Owners name *Chambers* Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father *Chas Chambers* Citizenship *Col*

Mother *Redney* Citizenship *Col*

Names of Children:

- 3. _____ Year _____ Page _____ No. _____ Dist. _____
- 4. _____ Year _____ Page _____ No. _____ Dist. _____
- 5. _____ Year _____ Page _____ No. _____ Dist. _____
- 6. _____ Year _____ Page _____ No. _____ Dist. _____
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by

no (1)

Stenographer

M D Green Esq

Proof of marriage to Sam Queen to be supplied

7-10-52

DEPARTMENT OF COMMERCE
COMMISSION TO THE INTERSTATE COMMERCE

BES

AT

ATLANTA, GEORGIA

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 9, 1901.

In the matter of the application of Sabra McQueen (Queen)
for enrollment as a Cherokee Freedman.

Supplemental testimony.

Both Applicant and Cherokee Nation present by their attorneys.

Charlie Chambers, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Charlie Chambers.

Q How old are you? A About 70.

Q What is your post office address? A Hudson.

Q What district do you live in? A Cooweescoowee.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so said.

Q Is your name on the roll of 1860? A Yes, sir.

By J. F. Faulds, attorney for Applicant: What relation is the
applicant, Sabra McQueen, to you? A She is my daughter.

Q What was her mother's name? A Sidney West.

Q When did you take up with her? A Time of the war.

Q And did you live together as husband and wife? A Yes, sir.

Q And recognized in the community as husband and wife? A Yes, sir.

Q Was Sabra Chambers born while you were living together as husband
and wife? A Yes, sir.

Q And she is your daughter? A Yes, sir, so her mother said, I
expect it must be a fact.

Q You don't know anything to the contrary? A No, sir.

Q You say you are on the 1880 roll? A Yes, sir.

Commissioner: Do you know the husband of Sabra Queen? A Well yes
I know him.

Q What is his name? A Sam McQueen, that is the way I have it.

Q Her proper name then would be Sabra McQueen? A Yes, sir.

Mr. Faulds: They are living together as husband and wife?

A Yes, sir.

Q At the time Sabra was born you were not living with any other
women as her husband? A No, sir, no indeed.

Q I understand it you and this Sidney Chambers separated, parted?

A Yes, sir.

Q That was long after Sabra Chambers was born? A Oh yes, and two
other children.

Q What are the names of those children? A William and Dick.

Q These are your children by the same wife, Sidney Chambers?

A Yes, sir, full sisters and brothers.

Q And you have since got married to a woman? A Yes, sir.

Q What is your wife's name, your present wife? A Her name is Celia

Q Is she called Caroline? A No, that is the second one.

Q You have been married three times then? A Yes, sir.

Mr. P. W. Hastings, Cherokee Attorney: Who had Sidney married before
she married you, the other of Sabra? A I didn't know she had been
married to anybody.

Q She had some children older than Sabra? A She had one.

Q What was its name? A I don't know what it was named now, I
done forgot its name.

Q You don't know who was the father of it? A No, sir, I don't.

Q You knew then she had been married? A I didn't know as she
had ever been married before, but I knew she had one child.

Q Didn't she tell you she had been married before? A No, sir,
she didn't say she had ever been married before.

Q You were not married to her by a preacher? A No, sir, we were
married according to the rules then.

Q Just took up with her? A That is right.

Q How long did you live with her? A I don't know, I lived with
her from the time that the war commenced until away afterwards, after
the war.

Q Where did you live before the war? A On Red River.

Q You were down on Red River? A Yes, sir.

Sabra McQueen - 2.

- Q Did you come back with her? A Yes, sir.
Q Where did you come to? A On this side of Fort Smith in the bottom.
Q And how long after the war did you live with her?
A I lived with her I guess about two or three years after the war.
Q And then you quit her? A Yes, sir, I quit her.
Q You have got another wife now? A Yes, sir, I have got another one.
Q How many wives have you had since then? A Two.
Q How many wives had you had before Sidney? A Never had any one.
Q Was that the first one? A Yes, sir.
Q Where has Sabra been living? A Why she was living there close to Fort Gibson Station. ~~XXXXXX~~
Q In the Creek Nation? A Yes, sir, then and she moved from there she moved away down below Muskogee just across the line over in the Cherokee Nation.
Q When did she move down there? A I don't know how long that has been; been so long I don't know when it was; after she got down there I didn't keep no track of her; I know she was living and that is about all.

Sabra McQueen, recalled, testified as follows:

- Commissioner: What is your name? A Sabra McQueen.
Q You are the party that appeared at Gibson to be enrolled as the wife of Sam McQueen? A Yes, sir.
Q Well, your name was given in there and put upon the records as Sabra Queen; that is wrong, is it? A That Queen is wrong, it is McQueen.
Q And you desire to have your name changed from the way we have it, from Queen to McQueen? A Yes, sir.
Q McQueen is the name of your husband, is it? A Yes, sir.

Bruce C. Jones, being duly sworn, ~~XXXXXX~~ Commissioner says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of May, 1901.

C. H. [Signature]

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

In the matter of the application of Sabra
for enrollment as a Cherokee Freedman.

No. F. D. 132

Green
Henry Pack of lawful age, being duly sworn on
oath states that on the 20th day of September A. D., 1901, he registered
to Sabra Green whose postoffice is Choctaw
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fork Gibson Indian Territory;
and that on the 20 day of September, 1901, he received the return
card which is hereto attached, signed by the said Sabra Green, showing
that he had received said notice.

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO EXPLORE AND DEVELOPE THE "SIZED TRIP"

FILED
SEP 23 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of
for enrollment as a Cherokee Freedman

Sara Green

Case No. *D 132*

To *Sara Green Cherokee*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Indian Territory, on the following dates, to wit: *Sept 16*
A. D. 1901, during the usual business hours of said Commission on the respective days above named for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____ day of _____ 1901.

Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1901.

In the matter of the application of Sabra McQueen for enrollment as a Cherokee Freedman;

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:

Mr. J. F. Faulds, for the applicant as attorney.
Mr. W. W. Hastings, for the Cherokee Nation, as attorney.

SIDNEY WEST, being sworn by Commissioner Needles, testified as follows:

BY MR. FAULDS:

- Q What is your name? A Sidney West.
Q What is your age? A Well I can't tell you my age.
Q You were born long before the war? A Yes sir.
Q Had children during the war? A Yes sir.
Q What is your post-office? A Hayden.
Q Do you know Sabra McQueen, the applicant? A Yes sir.
Q What is her maiden name? A Sabra Chambers.
Q What relation is she to you? A She is my daughter.
Q Who is her father? A Charles Chambers.
Q What was the relationship between you and Charles Chambers at the time the applicant, Sabra McQueen was born? A Man and wife.
Q How long had you been living together as man and wife before Sabra McQueen was born? A About 2 years.
Q And you were living together at the time she was born? A Yes sir.
Q That was a matter was it not understood in the community in which you were that you were man and wife?
BY MR. HASTINGS: I think that question is clearly leading.
BY MR. FAULDS: That is the way to prove common law marriage, your Honor.
COM'R NEEDEDLES: Better prove it by somebody else besides the parties themselves.
Q Did you pass as man and wife or not? A Yes sir.
Q Could you tell me where this Sabra McQueen has been living since the war? A Best portion of the time in the Cherokee Nation.
Q Has she been living in the Creek Nation? A ~~She has been living in the Creek Nation.~~
~~in the Creek Nation.~~ A Yes sir. She has been living in the Creek Nation.
Q Did you ever know her living out of the Indian Territory? A Never did in my life.
Q How long after Sabra McQueen was born did you and Charley Chambers separate, if you know? A Well I can't really tell you how long it was.
Q Well give an idea? A I think she was near about, nearly 10 years old.
Q Think Sabra was nearly 10 years old when you and Charley separated? A Yes sir. We didn't separate then; the Indians run him off.
BY MR. HASTINGS:
Q Where was Sabra born? A She was born down south.
Q Well in the Chickasaw, Choctaw Nation or Texas? A In the Chickasaw Nation.
Q Did you have a child before Sabra, what is your oldest child named? A Nancy.
Q How old was Nancy when Sabra was born? A She was about 3 years old I expect.
Q Nancy living with you when Sabra was born? A Yes sir, she was nothing but a little child.
Q Did it continue to live with you, Nancy? A She lived with me until her father come and got her.
Q What was her father's name? A Bill West.
Q Well, you lived with Bill West awhile didn't you? A That was before the war.

Sabra McQueen 2

- Q Well that was during the war you lived with Charley Chambers wasn't it? A Yes sir, during the war.
- Q Now how long after the war did you live with Charley Chambers? A Well I really can't tell you just how long it was.
- Q Well your best judgment A Some 7 or 8 years I guess; as near as I can tell you.
- Q Had you had any other children besides Nancy before the war? A Yes sir.
- Q Before Sabra? A Yes sir, I had 2 children.
- Q Well I mean 2 before you gave birth to Sabra? A Yes sir.
- Q What was the other one's name besides Nancy? A Harriet.
- Q Did Harriet live? A No sir.
- Q Was Harriet alive when Sabra was born? A Yes sir, she was.
- Q How old was she when she died? A She was 5 years old.
- Q Were these the only 2 children you had had before Sabra was born? A Yes sir.
- Q No preacher ever married you and Charley? A No sir we wasn't married by any preacher.
- Q How many children did Charley have when you were married? A Mary one that I know of.
- Q None that you know of? A None that I know of.
- Q Did you come back here with Charley? A Yes sir.
- BY MR. FAULTS:
- Q Where were you and Sabra McQueen, the applicant, when the war closed and peace was made? A We was down in the Chickasaw Nation.
- Q When did you get here in the Cherokee Nation? A In '65.
- Q Did you remain here then? A Yes sir, remained here more or less.
- Q You go out of the Indian Territory? A No sir, I never was out of the Indian Territory in my life no more than Fort Smith and I wouldn't have been there unless I was called there by the Government.
- Q You lived in the Creek Nation? A Yes sir, I have been there and travelling about just like you do.
- Q What year is this? A I don't know, I want to ask you; I don't know B from bull foot.
- Q You don't know any years do you? A I know when they say a year comes in and goes out, but that's all I know about it, but no dates, I don't know nothing at all about it.
- Q Do you know when the last strip payment was made, what year it was made? A No sir, I don't know anything about that at all.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this October 10, 1901.

[Signature]
Commissioner.

B19

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, Indian Territory, July 20, 1903.

Cherokee F.D-132

IN THE MATTER OF THE APPLICATION OF Sabra McQueen for
enrollment as a Cherokee Freedman.

Upon an examination of the Wallace roll of Cherokee
Freedmen in the possession of this Commission, the applicant,
Sabra McQueen, is identified thereon, page 107, No. 2277, Coe-
weescoo District.

It is ordered that a copy of this statement be made a
part of the record in the application of Sabra McQueen for enroll-
ment as a Cherokee Freedman, Cherokee F.D-132.

C. A. Buchanan

CHARLES A. BUCHANAN
CHIEF OF OFFICE

F.D.564.

To be filed with Cherokee Freedman D-132.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 7, 1901.

In the matter of the application of Sidney West for enrollment
as a Cherokee Freedman.

Appearances:

J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Sidney West, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Sidney West.
Q How old are you? A I really don't know.
Q About how old? A I am about as near as I can come at it, about
56 I guess.
Q What is your post office? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just my children.
Q How many children? A Six.
Q Have you got any children under age? A No, sir.
Q Your name on the roll of 1880? A I don't know, sir, whether
it is on there.
Q You don't know whether it is on any roll or not? A No, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and
the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.
The Kern-Clifton roll examined and the applicant not identified
thereon.
The Wallace roll examined and the applicant not identified
thereon.
Mr. Sequichie: Mrs. West, can you give any reason why you are not
on any of the rolls? A Well, I followed the Kern around to Gibson
and to Vinita and I followed them to Anderson, and they didn't put
me on because I didn't have any witnesses just then.
Q What Court do you mean by that? A Kerns.
Q The Kern-Clifton enrollment? A Yes, sir.
Q What was the reason you didn't have any witnesses with you?
A Well, I thought I would find witnesses there on the ground and
it seems like nobody didn't want to own me.
Q Who did you belong to? A John West.
Q Were you here in the Cherokee Nation during the war between the
Confederates and the Union rebellion, the last war? A During of
the war, no sir.
Q Were you here before the war? A Yes, sir.
Q Where did you go during the war? A Went down to the Choctaw
Nation.
Q Were you ever married. A Yes, sir.
Q Who was your husband? A Charles Chambers.
Q How long did Charles Chambers and yourself live together?
A We lived together till we raised a family.
Q Do you remember what year you came back to the Cherokee Nation
after the war? A In '65 they told me, the fall of '65.
Q Who came back with you? A Charles Chambers.
Q Anybody else? A No, sir, because we went out from Red River here.
Q What part of the Cherokee Nation did you come to when you re-
turned? A Sequoyah.
Q Do you know the reason why you are not enrolled on the 1880 roll?
A Why I don't know nothing at all about it.

Sidney West-2.

- Q In fact you had no one to look after you? A No, sir, I didn't have anyone to look after me.
- Q Just alone? A Myself alone.
- Commissioner: Were you a slave? A Yes, sir.
- Q To whom did you belong? A John West.
- Q Was he a Cherokee? A Yes, sir.
- Q Where were you born? A On Grand River.
- Q In the Cherokee Nation? A Yes, sir.
- Q And you went out during the war? A Yes, sir.
- Q Did you go any farther south than the Choctaw Nation? A No, sir.
- Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.
- Q Did you ever apply to the Creek Nation for citizenship? A No, sir.
- Q You never drew any money from the Cherokee Nation then at all? A No, sir.
- Q Never been recognized? A No, sir.
- Mr. Hastings: Where did you live before the war? A On Canadian.
- Q In Canadian district? A Yes, sir.
- Q Is your old master alive? A No, sir he is dead.
- Q Your young master alive? A Yes, sir.
- Q Tall John West? A Yes, sir.
- Q You belonged to them when the war came up? A Yes, sir.
- Q You went douth during the war? A Yes, sir.
- Q Now you stated a while ago that you followed that Kern-Clifton Court around, and that you never could get a hearing, didn't you? A Yes, sir.
- Q You didn't get any hearing, did you? A No, sir, I never got any hearing from it.
- Q I don't want to misunderstand; you mean you never got to go before the Court? A Yes, sir, I went before the Court.
- Q But you couldn't find any witnesses then. A No, sir.
- Q Wasn't Charlie Chambers there? A He was there.
- Q Wasn't Columbus Lasley there? A Yes, sir, he was there.
- Q Couldn't you get them to swear for you then? A No, sir, I didn't try, I didn't try, I must tell you the truth about it, for I was sick at the time.
- Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Vinita and they wouldn't hear me there at all.
- Q What was her name? A At that time she was a Brewer, but she is Mrs. Ruthie Tinley now.
- Q Where does she live? A Oolagah.
- Q Does she know when you came back? A Yes, sir.
- Q Did you come back with her? A No, sir, I came ahead of her.
- Q Where did you come in the Cherokee Nation? A Sequoyah district.
- Q Now who came with you? A Charles Chambers.
- Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.
- Q Well, you came to Sequoyah district, did you? A Yes, sir.
- Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came ~~xxx~~ away, then he left me living on a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.
- Q Did you continue to live there? A Yes, sir, lived there three years.
- Q Do you know John Melton? A Well, no sir, I don't know whether I did or not.
- Q Who did you know down there in that settlement? A John Campbell.
- Q He is dead, is he? A Yes, sir, he is dead.
- Q Anybody that is living that was there then? A Well, old man

Sidney West--3.

- Jack Campbell, he is dead too.
- Q How about Mr. Campbell, at Illinois Station? A I don't know nothing about him.
- Q Anybody else down there that you can think of that is living now?
- Q Well Harrison Foreman was one.
- Q Was he living down there then? A Yes, sir, he was right there then.
- Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.
- Q Do you know Mrs. Franklin's daughter, Eliza McCrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.
- Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.
- Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.
- Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.
- Q That was the winter after the close of the war? A yes, sir.
- Q That was next winter was it? A It was that coming winter.
- Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.
- Q You came up there with him? A Yes, sir.
- Q And you lived there with him about a year? A Yes, sir.
- Q Did you live with him until the winter following that? A He left in the spring.
- Q The following spring? A Yes, sir.
- Q Did you see him any more? A Yes, sir.
- Q When did you see him? A Well, I came to Gibson and we lived together again when I came there.
- Q Well, how long had he been gone before you went up there?
- A He had been gone about a year.
- Q And you went up there and lived with him, to Gibson? A Yes, sir.
- Q It was about a year after he left you before you went to Gibson?
- Q Yes, sir.
- Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.
- Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.
- Q Did you live with Charles Chambers at Park Hill? A Yes, sir.
- Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.
- Q Then where did you go? A I went to Tahlequah.
- Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.
- Q Well, where did you go from Tahlequah? A I came to Pryor Creek.
- Q How long did you live there? A I stayed to Pryor Creek about a year.
- Q Well, then where did you go? A I went to Timber Hill.
- Q Who did you live with at Timber Hill? A Well, I hired to a man over in the Creek Nation.
- Q About when was that? A I really can't tell you.
- Q About how many years ago? A Well, I just can't tell you that, to be honest with you.
- Q As much as 20; about how long after the war was it? A I don't know as I can tell you that.
- Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

Sidney West- 4.

the Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q Have you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Roley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of West, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from there? A Been about five years.

Q You moved back when the Kern-Clifton Court was around there?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Have'nt you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

Q Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring peace was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Hattie.

Q What are your other children's names not who are alive.

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Chapman.

Q Where was Sarah Born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Did'nt you testify before the Kern-Clifton Commission that you lived ~~with~~ west of Checotah, towards the sunset of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Checotah? A No, sir, I never did live that direction.

Q You never said that? A No, sir, if I did I don't remember it, I ment to tell you I never did live in that direction.

Q Did you say you lived ear Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does

Q You said a while ago that you lived in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Sidney West-5.

- Q Now, how long have you lived in Canadian district now? A I don't live there.
- Q Where do you live? A I live up here on Lightening Creek.
- Q When did you move up there? A Over five years ago.
- Q Where did you move from up there? A I moved from the Creek Nation.
- Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.
- Q How long had you been living at Gibson when you went over there? A I was just going backwards and forwards.
- Q Where did you have a house; have one at Gibson? A Yes, sir, I had a house at Four Mile Branch, well at Park Hill.
- Q When did you have one there? A When me and Charlie lived there.
- Q After that? A I never had a house after that, I was just working out.
- Q You never had a home after that? A No sir.
- Q That was about four years after the war? A Yes, sir.
- Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.
- Q Where have these children been living? A Left them once with my sister.
- Q What is her name? A ~~Mixix~~ Mintie Martin.
- Q Where does she live? A On Pryor Creek.
- Q How long did you leave them there? A Left them once ~~six months~~ about six months, and another time near about a year.
- Q Now tell me how long you have been living in the Creek Nation? A Well I have told you.
- Commissioner: Tell it again, about how long? A To the best of my recollection, I have'nt been living there continuously.
- Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it was'nt combined at all, because I was just backwards and forwards.
- Q Did your husband have a home over there? A Yes, sir, he did.
- Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellop.
- Mr. Sequichie: Which McKellop? A Albert.
- Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.
- Q Where you could get work? A Yes, sir, wherever I could get work to support my children.
- Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.
- Q Never worked there? A Never was in the state in my life.
- Q Arkansas? A No, sir.
- Q Texas? A No, sir, the nearest place I have ever been was x Fort Smith and I was called there as a witness.
- Q You had two children, Lucinda and Eva, born in the Creek Nation? A No, sir, never had a child of that name in my life.
- Q They are your grandchildren? A Might be.
- Q I ask you if you know them, Lucinda and Eva Colonel? A That is right.
- Q You know them now? A Yes, sir.
- Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.
- Q Whose children are they? A They are my daughter's children; they are in the Creek Nation with their father.

Charlie Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

Sidney West-6.

Q Why is your name? A Charlie Chambers.

Q About how old are you? A 70 years old.

Q What is your post office? A Hudson.

Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.

Q Did you and her ever live together as man and wife? A Yes, sir.

Q When were you married? A Well, we were not married, we took up together just like the darkies always just used to do; there was 'nt anybody to marry us in that times.

Q When was that? A That was in the war time, just directly after the war first came up.

Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.

Q During the war? A In time of the war.

Q How long did you and her live together? A We lived together I guess about, as well as I can recollect, six or seven years.

Q Did you return back to the Cherokee Nation with her? A Yes, sir.

Q What year was that? A They told me it was in '65, they was 'nt hardly stopped fighting yet, when we came along, they were killing x all along the road.

Q Are you on the 1880 roll? A Yes, sir.

Mr. Sequichie: I would like to identify him on the 1880 roll.

Commissioner: He is 'nt an applicant; there is no use to identify him on the 1880 roll.

Mr. Hastings: Where did you know this woman down south? A Knew her right at John West's.

Q John West living down there? A Yes, sir, he was living there.

Q Charlie, you ever been up before the Courts any? (No response.)

Q Ever tried at Fort Smith; answer the question? A Well yes I told you that; you ask me that every day.

Q Convicted? A No, sir.

Q Was you ever tried in the Cherokee Courts? A Ys, sir.

Q Ever tried by the United States Court at Vinita? A Yes, sir.

Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.

Q You never testified for this woman then? A No, sir.

Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she was 'nt with me then.

Q Did she ask you to testify for her? A No, sir.

Q Was this woman Sidney West a slave? A Yes, sir.

Q Who did she belong to? A She belonged to John West.

Q John West a Cherokee citizen? A Yes, sir.

Q Was she taken out of the country during the war? A Taken out at the commencement of the war.

Q Where to? A She was taken down there to Red River in the Choctaw Nation.

Q Do you know when she came back? A Yes, sir.

Q When? A Came back in '65.

Q You came with her? A Yes, sir.

Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there, and I don't know how long we did live together there.

Q You say you lived with her in the Choctaw Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Sidney West-7.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

A Yes, sir, I had heard she was living in the Creek Nation.

Q She has married over there? A Yes, sir.

Q She lived over there until a few years before the Kern-Clifton Commission? A No, sir, she has'nt been living there ever since, of course her husband would'nt allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her, anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do; ~~at~~ of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave her with? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on an old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You run off and left her down there? A Yes, sir, I come off and left her down there.

Columbus Lasley, being duly sworn and examined by Commissioner Needles, testifies as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 53.

Q What is your post office? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Sequichie: Mr. Lasley do you know Mrs. Sidney West? A Yes, sir.

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south after the war?

A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and in 67 we lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places; she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time in '67 did you see this woman? A It was in '67 we went out on the Four Mile Branch, it was after that I got acquainted with her.

Sidney West-8.

Q What time of the year, do you recollect? A No, sir, my recollection, it was the spring or summer.

Q Or Fall? A I think it was in the summer.

Q You think it was after the first of January? A No, sir, it was in '67 when we went out there, and after that I saw this woman.

Q What time in '67 did you go out there? A We went out there in the summer.

Mr. Sequichie: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there, Mrs, Finley and Mr. West.

~~##### applies for enrollment of #####~~

Commissioner: Sidney West applies for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at .

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

~~#####~~

Sworn to and subscribed before me this the 10th of June, 1901.

T. B. Needles.

Commissioner.

I, Roy Palmer, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original transcript.

Roy Palmer

To be filed with Cherokee Freedman D-132.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SIDNEY WEST as a Cherokee Freedman; introduced on the part of Ap-
plicant:

APPEARANCES:

Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C WEST, being duly sworn by Commissioner Needles,
testified as follows on behalf of Applicant:

MR. SEQUICHIE: What is your name? A John C. West.

Q Post office? A Muskogee,

Q Your age? A 59.

Q Mr. West, do you know a Cherokee Freedman, applicant, by the name
of Sidney West? A Yes, sir.

Q Did she belong to you or your family some way? A Yes, sir, she
belonged to father.

Q Do you remember what time, whether before the war or after the
war, she left the Cherokee Nation? A She left the Cherokee Nation
in about '63.

Q You remember what year she came back? A No, sir.

Q Did you ever hear of her any more after she left here?

(Question objected to by Mr. Hastings.)

Q Do you know when she came back to the Cherokee Nation? A No, sir,
I don't.

Q Did you see her at any time while she was away? A Yes, she was
with the family.

Q Where? A From '63 until about '66 I guess.

Q Where was that? A Down in the Chickasaw and Choctaw Nation,
down on Red River.

Q In the Indian Territory? A Yes, sir.

Q To about what year was she in the family? A As well as I re-
member about '65.

Q Do you know where she went then? A No, sir, I don't.

Q Did you ever see her in the Cherokee Nation after that? A No,
sir, I don't believe I ever did.

Q Never seen her? A No, sir.

MR HASTINGS: Where do you live, in what district? A Canadian.

Q How long have you lived there? A I have lived there since '60.

Q How wide across east and west is Canadian district? A I suppose
it is about 32 miles, east and west.

Q How far north and south? A About the same distance.

Q You have been sheriff of your district? A Yes, sir.

Q You have lived there ever since the war? A Yes, sir.

Q Been on the Police force? A Yes, sir.

COM'R NEEDLES: You say Sidney West during the war went to the
Chickasaw Nation? A Choctaw Nation, she went down there with the
family.

Q She didn't go any farther south than the Choctaw Nation? A No,
sir.

Q And the last you saw her was in the Choctaw Nation in '65?

A Yes, sir.

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J. O. Rosson, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case, and that the foregoing
is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Supl.C.F.D.-D.-#564.

To be filed with Cherokee Freedman D-132.

-2-

Subscribed and sworn to before me this October 4th, 1901.

T. B. Needles,

Commissioner.

I, Roy Palmer, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original transcript.

Roy Palmer

Cherokee Freedmen D 132.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sabra McQueen for enrollment as a Cherokee Freedman. (B)

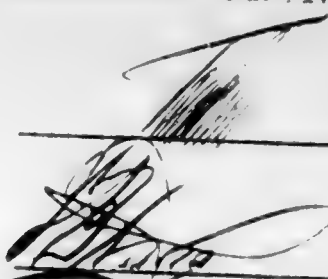
DECISION.

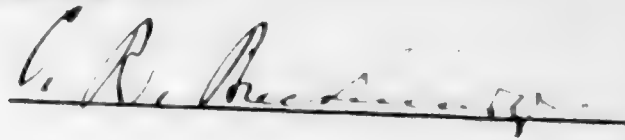
The record in this case shows that on April 20, 1901, Sabra McQueen appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, May 9, and October 3, 1901. Copies of the testimony taken at various times in the case of Sidney West, Cherokee Freedmen D 564, are made a part of the record herein.


The evidence shows that the applicant Sabra McQueen, nee Chambers, is a daughter of Charlie Chambers, who is identified on the 1880 authenticated Cherokee roll as an adopted colored; and it is presumed from this enrollment that the Cherokee Nation recognized that he complied with the terms of the treaty of 1866. The evidence further shows that the said applicant has resided in the Cherokee and Creek Nations all her life, up to and including the date of her application herein.

It is, therefore, the opinion of this Commission that Sabra McQueen, having been born since the commencement of the rebellion, should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.







Dated at Muskogee, Indian Territory,
this JAN 2 1904

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. January 18, 1904.

In the matter of the application for the enrollment of Sabra Queen, as a Cherokee Freedman.

Cherokee F. D. 152

Comes now the Cherokee Nation and protests against the decision of the Commission rendered in this case on January 2 1904 and asks that same be forwarded to the Honorable Secretary of the Interior for review.

Protest and Argument.

The record in this case shows that the applicant was born in 1884 and that her name does not appear upon any roll made of the citizens of the Cherokee Nation and the Cherokee Nation most respectfully contends that under the act of May 31, 1900, which reads as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

that the Commission has no jurisdiction whatever to receive, consider, or make any record of the application of the applicant herein or to enroll the applicant as a freedman citizen of the Cherokee Nation.

Respectfully submitted,

L. B. Bell
W. W. H.
J. C. S.
Attorneys for the Cherokee Nation

W. W. H.

J. C. S.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of--

Etta Manley, et al.,	Cherokee Freedmen D-353,
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-435,
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-654,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire) et al.,	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950,

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children, Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph, Jr., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission, showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Meigs, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1860, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 83, No. 598, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitnair, are children of the said Sidney West, were born since 1866 and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman, and Susie Whitnair, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber

and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. R. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 5 1905.



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Sabra McQueen,

Chscotah, I.T.

Cherokee F-D-132
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-132.

Muskogee, Indian Territory, January 4, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, granting the application of Sabra McQueen for the enrollment of herself as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. H-8.

Chairman.

Cherokee Freedmen
D 132

Muskogee, Indian Territory, January 21, 1904.

Sabra McQueen,

Checotah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, granting your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings had in the original application and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

L. L.

Encl. V-47
Register.

Commissioner in Charge.

Cherokee Freedmen
D 132

Muskogee, Indian Territory, January 21, 1904.

A. S. McRea,
Attorney for Sabra McQueen,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of supplemental proceedings had in the matter of the application of Sabra McQueen for enrollment as a Cherokee Freedman, together with a copy of the Commission's decision, dated January 2, 1904, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-48
Register.

Commissioner in Charge.

Cherokee Freedmen
D 132

Muskogee, Indian Territory, January 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Sabra McQueen for enrollment as a Cherokee Freedman, including the Commission's decision, dated January 2, 1904, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the commission in this case, a copy of which protest is inclosed.

Respectfully,

Encl. V-49

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Commissioners: Department of the Interior,
Commission to the Five Civilized Tribes
Tams Sixby
Thomas L. Needles,
C. A. Breckinridge,
W. S. Stanley

Allison L. Aylesworth,
Secretary.

Address only the
Commission to the Five Civilized Tribes.

Washington, D. C. February 10, 1904

The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

I have the honor to respectfully request that the
record of the proceedings in the matter of the application
of John McQueen for enrollment as a Cherokee Freedman,
transmitted with our letter of January 21, 1904, be return-
ed to the Commission for reconsideration

Respectfully

(Signed) Tams Sixby
Chairman

6

Muskogee, Indian Territory, February 29, 1904.

The Honorable

The Commissioner of Indian Affairs.

Sir:

The Commission is in receipt of letter of February 18, (Land 6015, 10011, 1904), returning the record in the Cherokee freedmen application of Sabra McQueen, and stating that said action is taken in accordance with the Commission's request of February 10, 1903.

In reply you are advised that the Commission's records show that this case was not forwarded to the Department until January 21, 1904, and no record can be found of a request to the Department for the return of this case.

The case is, therefore, respectfully herewith returned.

Respectfully,

Enc. D-9

Commissioner in Charge.

(C O P Y)

refer in reply
to the following:
Land
10011-1904
15362-1904

J.F.W.

Department of the Interior
Office of Indian Affairs.
Washington.

April 7, 1904

The Commission
to the Five Civilized Tribes
Muskogee, I.T.

Gentlemen:

The office is in receipt of your communication of February 29, 1904, returning the record in Cherokee freedman case of Nehra Mcneen. You say that your records show that this case was forwarded to the department on January 21, 1904, and that you have been unable to find a record of a request to the department for the return of the record in the case.

In reply you are advised that in a letter dated Washington, D. C. February 10, 1904, Chairman Dixby requested that the record in this case be returned to the Commission for re-consideration, and that it was returned in accordance with said request. As it is presumed that the commissioner in charge, Mr. Hodges, was not aware of Mr. Dixby's request, the record is again returned herewith.

Very respectfully

GAN-D (No record enc)

A. C. Tonner
Acting Commissioner

Muskogee, Indian Territory, April 25, 1904.

The Honorable,

Commissioner of Indian Affairs.

Sir:

Referring to your letter of April 7, Land 10011, 15363-1904, in regard to the return of the record in Cherokee Freedmen case of Sabra McQueen, it is requested that a copy of Chairman Bixby's letter addressed to the Department, dated Washington, D. C., February 10, 1904, and referred to in your communication, be forwarded to this Commission.

Respectfully,

Chairman.

Refer to the following:
Land.
10011-1904
29018-1904

Department of the Interior

OFFICE OF INDIAN AFFAIRS,

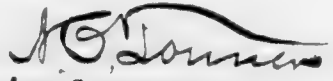
WASHINGTON, May 4, 1904.

The Commission,
To the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to your communication of April 25, 1904, there is enclosed herewith a copy of a communication addressed to this office on February 10, 1904, by the Chairman of the Commission, requesting that a record relative to the application of Sabra McQueen, for enrollment as a Cherokee freedman, be returned for reconsideration.

Very respectfully,



Acting Commissioner.

GAW-D

COPY.

Cherokee Freedmen
D-353, et al.

Muskogee, Indian Territory, January 5, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1905, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Nannie Chatman, Evaline Jimison, Henry Caesar and Eliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

-2-

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

SIGNED: *Tamc Dixby.*
Chairman.

Encl. K-8.

COPY.

Cherokee Freedmen
D-132.

Muskogee, Indian Territory, January 26, 1905.

Sabra McQueen,

Checotah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-13.

Register.

Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
D-564 et al.

Muskogee, Indian Territory, January 26, 1905.

A. S. McRea,

Attorney for Sidney West et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the applications for the enrollment of Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Nannie Chatman; Evaline Jimison and Henry Caesar, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED,

Tame Dixby

Chairman.

Encl. L-18.

Register.

COPY

Cherokee Freedman
D-353 et al.

Muskogee, Indian Territory, January 26, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 8, 1905, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Susie Whitacre; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Nannie Chateau; Evaline Jimison, Henry Caesar, and Elias Rogers, and rejecting the applications for the enrollment of Etta, Alense, Freddie, Maynard, Howard, Tassie, Harvey, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Gera, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Encl. L-19.

Through the
Commissioner of Indian Affairs.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

LAND:
564-1905.
14 10-1905.

WASHINGTON.

March 31, 1905

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 20, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Cacagar, Jim (James), Julia and Nannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 8, 1908, the Commission decided adversely to Rocky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Rocky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1860 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitwire, Sam and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1863 and have continuously resided in the Cherokee Nation since birth.

The minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitfire are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison,

Henry Caesar, James, Julie and Hannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1880 and have continuously lived with their mothers sence birth.

The record shows that the applicant, Frank Webber, died June 13, 1901.

In view of the record the approval of the Commission's deciaion is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

M.M.M.
W.

Cherokee Freed-
man---132.

COPY.

Muskogee, Indian Territory, August 3, 1905.

Chief Clerk,

Creek Enrollment Division,

Muskogee, Indian Territory.

Dear Sir:

You are requested to advise the Cherokee Enrollment Division whether or not the enrollment as citizens by blood of the Creek Nation of Bessie, Robert, Richard, and Alberta Ross, (En. 505) has been finally approved, and if so to give their final roll numbers and the date of the approval of the schedule on which they appear.

You are also requested to advise whether allotments of land in the Creek Nation have been selected for them, and if so, whether the selections were voluntarily or arbitrarily made. Their names appear upon a schedule of Cherokee freedmen approved by the Secretary of the Interior on December 23, 1902, their names appearing opposite Nos. 388, 389, 390, and 391.

Respectfully,

GHL

Commissioner.

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR,

D.D. 22186

WASHINGTON.

PHE.

I.T.D. 3043, 4878, 8743-1905

2745, 8903, 8905- "

3344, 8907- "

10611, 12908- "

May 31, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lola Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston S. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse K. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
D 132.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Sabra McQueen,

Checotah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a Cherokee freedman schedule and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

James Hixby
Commissioner.

Cherokee Freedmen
D353 et al.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley, et al.,

Barter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph ^WManley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmore, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Hattie Chatman, Susie Whitmore, Julia ^WWebber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed
herewith a copy of Departmental decision referred to.

Respectfully,

Encl. A-93.
M.A.

SIGNED.

Tams Bixby.

Commissioner.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Hannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

M.A.

James Bixby
Commissioner.

REGISTRY RECEIPT.

Post Office at

FT. GIBSON

Registered Letter No. 37
Parcel

Rec'd

190

of

J. C. Starr
Savoy Green
Cherota Hill,

addressed to

Nov 2

P. M.

Cher Fr 1518

Cher Fr 1518

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Sarah Chatman for the enrollment of herself and five children.

Appearances:

J. S. Sequichie, agent for applicant;
W. W. Hastings, of counsel for the Cherokee Nation.

Sarah Chatman, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Sarah Chatman.
Q How old are you? A 34.
Q What is your post office? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Me and five children.
Q Have you a husband? A Yes, sir.
Q Is your husband a state man? A Yes, sir.
Q Did he get out a Cherokee license when he married you? A Well, I don't know whether he did or not.
Q Or just married by a preacher? A Married by a licensed I don't know whether he had a Cherokee license or whether it was a Creek license, I was in Muskogee at the time.
Q When did he marry you? A I don't know exactly the time.
Q When did you and he marry? A About seven years ago.
Q You got your license in Muskogee? A Yes, sir.
Q You got a United States license I expect? A I expect it was, I don't know.
Q You made no application for your husband? A No, sir.
Q How long have you lived in the Cherokee Nation? A Lived there all my life, off and on.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q Give me the name of your father? A Henry Smith.
Q Is he alive? A Well, I really can't tell you whether he is or not, he was the last time I heard from him.
Q You haven't heard from him for some time? A No, sir, it has been quite a while since I heard from him.
Q Was he a Cherokee Freedman? A I don't know.
Q Give me the name of your mother? A Sidney West.
Q Is she alive? A Yes, sir.
Q Is her name West now? A She goes by the name of her owners, West.
Q Is she a Cherokee Freedman? A Yes, sir.
Q Have you a certificate of your marriage to your husband? A Yes, sir.
Q Give me the name of your husband? A Will Chatman.
Q Will M. Chatman? A Yes, sir.
Commissioner: The applicant presents a certificate showing that W. M. Chatman and Miss Sarah Smith were united in marriage on the 30th of August, 1895, by the Rev. Manuel Wondray. This is filed herewith.
Q You were married in Muskogee? A Yes, sir.
Q Both of you were in Muskogee at that time? A Yes, sir.
Q Were you ever married except to this husband? A Yes, sir.
Q How many times have you been married? A I have been married twice, with this man.
Q Once before this? A Yes, sir.
Q What was the name of your first husband? A Bob Jamison.
Q Was he a Cherokee Freedman? A A Creek.
Q Is he dead or alive? A I don't know sir, whether he is dead or not, I think he is living though.

Sarah Chatman - 2.

- Q When did you and he marry? A It has been quite a while, I can't tell you.
- Q Are any of these children his children? A No, sir.
- Q Give me the names of your children? A Evaline Chatman.
- Q How old is Evaline? A She is 10 years old.
- Q Well, will Chatman be the father of that child? A She goes by the name of Jimison.
- Q What is the child's name? A Evaline Jimison.
- Q What do you tell me it was Chatman Sir? A I thought it was on that paper that way.
- Q I asked you what is the child's name? A Jimison is the child's name.
- Q Now give me the name of the next child? A Henry Caesar.
- Q How old is Henry Caesar? A 7 years old.
- Q Give me the name of the next child? A James Chatman.
- Q How old is James Chatman? A He is 14.
- Q Give me the name of the next child? A Julia Chatman.
- Q How old is Julia? A 2 years old.
- Q Now the next child? A Nannie Chatman.
- Q How old is Nannie? A 10 months old.
- Q Are these children all living now? A Yes, sir.
- Q Have you got somebody here who knows about your having lived with this man Jimison and knows something about these children?
- A Yes, sir.
- Q Who is it? A My mother and brother.
- Q What is her name? A Sidney West.

Sidney Scott, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Sidney Scott.
- Q Aren't you enrolled as Sidney West? A Yes, sir.
- Q What did you give in the wrong name for? A You told me what my name was at this time. ~~XXXXXXXXXXXXXXXXXXXX~~
- Q And you say it is Scott? A Yes, sir, that is the correct name.
- Q Your husband Scott, what was he? A A Creek.
- Q Did you leave him? A No, sir, he is dead.
- Q Well then did you take up the name of West again? A Yes, sir, never did drop the name of West, nobody never let me by my own married name.
- Q You don't lay any claim to the name of Scott at all? A No, sir.
- Q And you don't want to be enrolled as Scott? A No, sir.
- Q How old are you? A Well, I don't know, but just from trying to tell it, I expect I must be something near 56 or 57.
- Q You applied here two or three days ago for enrollment? A Yes, sir.
- Q Is this woman here your daughter? A Yes, sir.
- Q How many times has she been married? A She has been married twice.
- Q What was the name of her first husband? A Bob Jimison.
- Q Was he a Creek? A Yes, sir.
- Q How many children has she got? A Five.
- Q What is the name of the oldest child? A Evaline.
- Q Evaline what? A Jimison.
- Q What is the name of the next child? A Henry.
- Q Henry what? A Henry Caesar.
- Q And the next child? A Jim Chatman.
- Q And then Julia and Nannie, are they Chatman children? A Yes, sir.
- Q Did she and Bob Jimison part? A No, sir, they didn't, because I took her away from him, she wasn't but 13 years old.
- Q Well now this child Henry Caesar, is that child this woman's own natural child? A Yes, sir.

Sarah Chatman - 3.

- Q Born to her? A Yes, sir.
- Q No adopted child, or anything of that kind? A No, sir, no adopted child at all.
- Q Are these five children all living now? A All living, all right here.
- Q Where was this woman born? A Timbered Hill.
- Q In what nation? A Cherokee Nation.
- Q How long has she lived at Muskogee? A We lived there often and on I guess something over three years; I lived there continuously two years straight.
- Q The last two years? A Yes, sir, after I married there.
- Q Where has this woman lived down to the time she married Jimison? A She lived at Four Mile Branch with her cousin, Isaac Wilson.
- Q What nation is that? A Cherokee Nation.
- Q Where did she marry Jimison? A At Fort Gibson.
- Q Where did she marry her present husband, Chatman? A Married him in the Creek nation.
- Q At Muskogee? A Yes, sir.
- Q How long had she been living in Muskogee when she married Chatman? A I had been there near a year.
- Q Where did she live down to the time she moved to Muskogee then? A She came from Four Mile Branch.
- Q Had she lived all her life in the Cherokee Nation down to that time, to the year before she married Chatman? A Yes, sir.
- Q Where did she live? A Often and on, from the Creek nation back to the Cherokee Nation.
- Q Only between those two Nations? A Yes, sir.
- Q Has she ever been out to Kansas, or any place like that? A No, sir, don't know what Kansas is.
- Q Did you ever apply to have this woman enrolled as a Creek? A No, sir.
- Q Have you applied to have her enrolled with any other tribe or nation except the Cherokees? A No, sir.

Sarah Chatman, recalled, testified:

- Q Have you ever applied to have any of these children enrolled as Creeks? A No, sir.
- Q Only with the Cherokee nation? A Yes, sir.
- Q Where was that child Evalina born? A She was born at Fort Gibson.
- Q Where was Henry born? A He was born at Muskogee.
- Q Where was James born? A He was born in the Cherokee Nation.
- Q And Julie? A In the Cherokee Nation.
- Q And the baby, Lennie? A She was born in the Cherokee Nation.
- Q Well you were making your home in Muskogee when these three youngest were born? A Yes, sir, I was making my home there just with me mother.
- Q Well how did you happen to be in the Cherokee Nation when these three children were born? A Why I have had them since I have been continually at home in the Cherokee Nation.
- Q You are not living in the Cherokee Nation now? A Yes, sir.
- Q You are? A Yes, sir.
- Q Where are you keeping house, living now? A Down here on Lightning.
- Mr. Hastings: When did you move? A It has been about five, I can't hardly tell you exactly how long it has been, but I moved here on Lightning pretty near five years ago.
- Q Were you living here when the payment was made? A Yes, sir.
- Q You had your mother when she testified you were born at Timbered Hill; where is that in the Cherokee Nation? A I can't really tell you whereabouts it was, because I am not been there in so long I can't really tell you where it was at.

Sarah Chatman - 4.

Sidney West, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q. Mr. Hastings: Where is Timbered Hill at which your brother was born? A. In the Cherokee Nation right on the old California road.

Q. Where was that, in what district? A. In ~~some~~ district, I don't know.

Q. What town? A. Say Chouteau is the nearest town.

Q. How far in what direction from Chouteau? A. I can't tell you the direction at all.

Q. How far from Chouteau? A. I don't know, sir.

Q. How long did you live there? A. I lived there two or three years, living with my sister.

Q. What was your husband? A. Hadn't none.

Q. What was your sister's name? A. Harriett Marcum.

Q. You lived there two or three years and you don't know the direction to town and don't know how far? A. No, sir, because I never went to town.

Q. Didn't you go up there on the train? A. No, sir, I didn't.

Q. Didn't any train running there then, was there? A. I never seen any.

Q. Where did you go from when you went up to Timbered Hill? A. I went from Pryor Creek.

Q. Do you know Timbered Hill? A. Yes, sir.

Q. How far was Timbered Hill from Pryor Creek? A. I don't know.

Q. In which direction did you go? A. I am hindered there around.

Q. Towards the sunrise or sunset? A. We traveled to sunset.

Q. How long did it take you to travel it? A. We went it in a day.

Q. Was it a days trip? A. By starting early in the morning we got there just about sunset.

Q. And that was from the town of Pryor Creek? A. No, sir it wasn't from the town, there wasn't no town there then, not where I was.

Q. What place did you start from on Pryor Creek? A. When I left Pryor Creek I left right out by Henry Melton's house, and about a mile off Mr. Alberty's; I was working for Blue Alberty.

Q. Are you moved on another place close to Timbered Hill then and you traveled towards sunset from Pryor Creek all day, and you don't know any place closer to Timbered Hill than Chouteau? A. That is the nearest town I recollect anything about; if there is any other place I don't know it is unbeknown to me.

Q. You never heard them talk about coming to town to trade? A. I heard them talk about going to town to trade, but I thought they were going to Chouteau.

Q. Did you claim to have lived there two or three years? A. Yes, sir I did, honestly.

Q. You never heard of any town yourself? A. No, sir, I wasn't.

Q. Who were some of your neighbors up there around Timbered Hill.

Q. It was a neighborhood of colored folks.

Q. I want to know their names? A. Mabe Still.

Q. Who else? A. John Chouteau, and a man by the name of Pee, but Pee what I don't know, I always called him Mr. Pee.

Q. They were living there around there were they? A. Yes, sir.

Q. You just came your home with your sister? A. Yes, sir, just made my home with my sister, because my brother in law went and got me.

Sarah Chatman, recalled, testified:

Commissioner: Were you enrolled as Sarah Smith when you enrolled?

A. I never have been enrolled.

The 1887 authenticated roll of Cherokee Freedmen examined and and the applicants not identified thereon.

Sarah Chatman- 5.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q Did you pay Cherokee strip money? A No, sir, we never was on strip money.

The Mann-listen roll examined and the applicants not identified thereon.

The Wallace roll examined and the applicants not identified thereon.

Q Did you try to get strip money? A No, sir.

Commissioner: The applicant applied for the enrollment of herself and five children. It is established with reasonable certainty that the applicant was born in the Cherokee Nation; that she lived in the Cherokee Nation down to something less than 10 years ago, and that since that time she has divided her life between the Cherokee and Creek Nations, and has been living now and has been living for several years in the Cherokee Nation. She is not identified upon any roll. Her change of name arising from marriage is established in a certain colony letter. She will be listed for enrollment as a Cherokee Freedman on a doubtful card, inasmuch as her mother has never been listed, through whom alone she seems to claim, and there will be filed with this case a copy of the testimony in the case of her mother, Sidney West, Cherokee Freedman D-564. As for the five children named in the testimony, none of them was identified on any roll. They are living, and when the applicant files a proper certificate of birth for these five children, they also will be listed with her on a doubtful card. Their names are varied, but they are satisfactorily established as the natural children of the applicant. Their father is said to be a Creek, and their claim therefore went through their mother alone. She claims that neither she or the children have ever been enrolled nor has applications ever been made for their enrollment with any other tribe or Nation than the Cherokee Nation. The final decision of the Commission with respect to all these persons will be notified to the applicant at her post office address. A copy of the testimony in this case will be supplied to the Creek files of the Commission.

Ray C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the words in each testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th of June, 1901.

Ray C. Jones

Commissioner.



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Aug 11 1871
Post Office Clinton
District 200

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

1/2. Name of wife Sarah Blatman Age 24

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father Henry Smith Citizenship _____
Mother Leah Smith Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.
2	<u>Coeline Smith</u>				<u>1000</u>
3	<u>Henry Blatman</u>				<u>70</u>
4	<u>John Blatman</u>				<u>40</u>
5	<u>Lavinia</u>				<u>20</u>
6	<u>Fannie</u>				<u>1000</u>
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by T. L.

Stenographer [Signature]

X Copy to S. G. 504-

... 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

[Handwritten notes and signatures]

COPY.

CERTIFICATE OF MARRIAGE.

This is to Certify that I have this day joined in
HOLY MATRIMONY

Mr W M Chatman of Muskogee and
Miss Sarah Mith of Muskogee in
according to the laws of the Creek Nation

Witnesses: Henry Thomas Sam McQueen

Dated Aug 30 1895

Rev Manuel Monday

IN RE
Application for Enrollment of
INFANT CHILD

Eveline Jimison
as a citizen of

CHEROKEE Nation

Approved JUN 18 1901 190

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED JUN 18 1901

TAMM BIXBY
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,
of Eveline Jimison (Here insert name of child.) , born on the 25 day of March, 1891.
Name of Father: Robert Jimison a citizen of the Creek Nation.
Name of Mother: Sarah Chatman a citizen of the Cherokee Nation.
Postoffice Hayden, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, {
NORTHERN DISTRICT. }

I, Sarah Chatman, on oath state that I am 24
years of age and a citizen by adoption, of the Cherokee Nation;
was
that I ~~am~~ the lawful wife of Robert Jimison, who is a citizen, by
adoption, of the Creek Nation; that a female child was
(Male or Female.)
born to me on 25 day of March, 1891; that said child has been named
Eveline Jimison, and is now living.

Sarah her
mark Chatman

WITNESSES TO MARK:

(Must be Two Witnesses.) {
Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June, 1901.
(SEAL.) Louis T. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, {
NORTHERN DISTRICT. }

I, Sidney West, a midwife, on oath state that I
attended on Mrs. Sarah Chatman former wife of Robert Jimison
on the 25 day of March, 1891; that there was born to her on said date a female
(Male or Female.)
child; that said child is now living and is said to have been named Eveline Jimison

Sidney her
mark West

WITNESSES TO MARK:

(Must be Two Witnesses.) {
Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June, 1901.
(SEAL.) Louis T. Brown
Notary Public.

Cher. 72, # NT8

D 678

20

IN RE
Application for Enrollment of
INFANT CHILD

Henry Caesar
as a citizen of

CHEROKEE Nation

Approved JUN 18 1901 190

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED JUN 18 1901

TAY'S RIXBY
ACTING CHAIMAN.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,
of Henry Caesar (Here insert name of child.) , born on the 8 day of August , 1893.
Name of Father: Ransom Caesar a citizen of the Creek Nation.
Name of Mother: Sarah Chatman a citizen of the Cherokee Nation.
Postoffice Hayden, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Sarah Chatman , on oath state that I am 24
years of age and a citizen by adoption , of the Cherokee Nation;
that I ~~am~~ was un the lawful wife of Ransom Caesar , who is a citizen, by
adoption of the Creek Nation; that a male child was
(Male or Female)
born to me on 8 day of August , 1893; that said child has been named
Henry Caesar , and is now living.

WITNESSES TO MARK:

Sarah her
mark Chatman

(Must be Two Witnesses.) {
Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June , 1901
(SEAL) Louis T. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Sidney West , a midwife, on oath state that I
attended on Mrs. Sarah Chatman , wife of Ransom Caesar
on the 8 day of August , 1893; that there was born to her on said date a male
(Male or Female.)
child; that said child is now living and is said to have been named

Henry Caesar
her
Sidney X West
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) {
Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June , 1901
(SEAL) Louis T. Brown
Notary Public.

C. F. D. 678

20

IN RE
Application for Enrollment of
INFANT CHILD

James Chatman
as a citizen of

CHEROKEE Nation

Approved June 18 1901 1901

T. B. Needles
Commissioner

Department of the Interior
Commission to the Five
Civilized Tribes

F I L E D

Jun 18 1901

Tams Sixty
Acting Chairman

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,

of James Chatman (Here insert name of child.) , born on the 15 day of August, 1896

Name of Father: Will Chatman a citizen of the U.S. Nation.

Name of Mother: Sarah Chatman a citizen of the Cherokee Nation.

Postoffice Hayden, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Sarah Chatman, on oath state that I am 24 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of Will Chatman, who is a citizen, by adoption, of the U.S. Nation; that a male child was (Male or Female.) born to me on 15 day of August, 1896; that said child has been named

James Chatman, and is now living.

WITNESSES TO MARK:

her
Sarah X Chatman
mark

(Must be Two
Witnesses.)

{ Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June, 1901

Louis T. Brown (S E A L)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Sidney West, a midwife, on oath state that I attended on Mrs. Sarah Chatman, wife of Will Chatman on the 15 day of August, 1896; that there was born to her on said date a male child; that said child is now living and is said to have been named James Chatman

WITNESSES TO MARK:

her
Sidney X West
mark

(Must be Two
Witnesses.)

{ Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June, 1901

Louis T. Brown (S E A L)
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

Julius Blattman
as a citizen of

CHEKOVSKY Nation

Approved: J. I. 1901 190

W. S. [unclear]
Commissioner

J. I. 1901

[unclear]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,

of Julia Chatman (Here insert name of child.) , born on the 9 day of August 1898

Name of Father: Will Chatman a citizen of the U. S Nation.

Name of Mother: Sarah Chatman a citizen of the Cherokee Nation.

Postoffice Hayden I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Sarah Chatman , on oath state that I am 24

years of age and a citizen by adoption , of the C herokee Nation;

that I am the lawful wife of Will Chatman , who is a citizen, by

of the U.S. Nation; that a female child was (Male or Female.)

born to me on 9 day of August , 1898.; that said child has been named

Julia Chatman , and is now living.

WITNESSES TO MARK:

Sarah her X Chatman mark

(Must be Two Witnesses.) { Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June , 190 1

Louis T. Brown (S E A L)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Sidney West , a midwife , on oath state that I

attended on Mrs. Sarah Chatman , wife of Will Chatman

on the 9 day of August , 1898.; that there was born to her on said date a female child; that said child is now living and is said to have been named (Male or Female.)

Julia Chatman

WITNESSES TO MARK:

Sidney her X West mark

(Must be Two Witnesses.) { Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June , 190 1

Louis T. Brown (S E A L)
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

Fannie Carter
as a citizen of

Nation

APPROVED AND FORWARDED: JAN 24 1901 190

Comms over

JAN 24 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,
of Nannie Chatman (Here insert name of child.) born on the 30 day of September 1900
Name of Father: Will Chatman a citizen of the U.S. Nation.
Name of Mother: Sarah Chatman a citizen of the Cherokee Nation.
Postoffice Hayden, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Sarah Chatman, on oath state that I am 24
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Will Chatman, who is a citizen, by
adoption, of the U.S. Nation; that a female child was
(Male or Female.)
born to me on 30 day of September, 1900 that said child has been named
Nannie Chatman, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) { Sarah X Chatman
mark
Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June, 1901

Louis T. Brown (S.E.A.L.)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Sidney West, a midwife, on oath state that I
attended on Mrs. Sarah Chatman, wife of Will Chatman
on the 30 day of September, 1900; that there was born to her on said date a female
(Male or Female.)
child; that said child is now living and is said to have been named Nannie Chatman

WITNESSES TO MARK:

(Must be Two Witnesses.) { Sidney X West
mark
Frances Johnson
Joseph Bean

Subscribed and sworn to before me this 11 day of June, 1901

Louis T. Brown (S.E.A.L.)
Notary Public.

48678

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned ^{agent} ~~attorney~~ for the
within named applicant hereby accept
service of the within notice on this the
day of 1901.

J. A. H.
J. S. Squire
Jones

attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
NORTHERN DISTRICT. |

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 16 1901

[Signature]
ATTORNEY GENERAL

NOTICE!

IN THE MATTER OF The application of **Sarah Chatman**
for enrollment as a Cherokee Freedman

Case No. F. D. **673**

To **Sarah Chatman or J. R. Sequichie Agt.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Okfuskee** Indian Territory, on the following dates, to-wit: **Sept. 24th** **O'Claw** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **14th** day of **Sept.** 1901.

Attorneys for the Cherokee Nation.

X

1887

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 16 190

[Faint, illegible handwritten or stamped text]

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

78 March 23 Sept 16 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Sarah Whetman et al for enrollment as
Freedmen of the Cherokee Nation.

No.

78618

A. R. Squier
Agent for Applicants ..

File with Cherokee Freedman, D- 678, Sarah Chatman

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment
as a Cherokee Freedman.

Appearances:

J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

SIDNEY WEST, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Sidney West.
Q How old are you? A I really don't know.
Q About how old? A I am about, as near as I can come at it, about
56 I guess.
Q What is your postoffice? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just my children.
Q How many children? A Six.
Q Have you got any children under age? A No, sir.
Q Your name on the roll of 1880? A I don't know, sir, whether
it is on there.
Q You don't know whether it is on any roll or not? A No, sir.
The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedman examined and the
applicant not identified thereon.
The Kern-Clifton roll examined and the applicant not identified
thereon.
The Wallace roll examined and the applicant not identified
thereon.
Mr. Sequichie: Mrs. West, can you give any reason why you are not
on any of the rolls? A Well, I followed the Kern around to Gibson
and to Vinita and I followed them to Anderson, and they didn't put
me on because I didn't have any witnesses just then.
Q What court do you mean by that? A Kern's.
Q The Kern-Clifton enrollment? A Yes, sir.
Q What was the reason you didn't have any witnesses with you?
A Well, I thought I would find witnesses there on the ground and
it seems like nobody didn't want to own me.
Q Who did you belong to? A John West.
Q Were you here in the Cherokee Nation during the war between the
Confederates and the Union rebellion, the last war? A During of
the war, no sir.
Q Were you here before the war? A Yes, sir.
Q Where did you go during the war? A Went down to the Choctaw
Nation.
Q Were you ever married? A Yes, sir.
Q Who was your husband? A Charles Chambers.
Q How long did Charles Chambers and yourself live together?
A We lived together till we raised a family.
Q Do you remember what year you came back to the Cherokee Nation
after the war? A In '65 they told me, the fall of '65.
Q Who came back with you? A Charles Chambers.
Q Anybody else? A No, sir, because we went out from Red
River here.
Q What part of the Cherokee Nation did you come to when you re-
turned? A Sequoyah.
Q Do you know the reason why you are not enrolled on the 1880 roll?
A Why I don't know nothing at all about it.

Q In fact, you had no one to look after you? A No, sir, I didn't have anyone to look after me.

Q Just alone? A Myself alone.

Commissioner: Were you a slave? A Yes, sir.

Q To whom did you belong? A John West.

Q Was he a Cherokee? A Yes, sir.

Q Where were you born? A On Grand River.

Q In the Cherokee Nation? A Yes, sir.

Q And you went out during the war? A Yes, sir.

Q Did you go any farther south than the Choctaw Nation? A No, sir.

Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.

Q Did you ever apply to the Creek Nation for enrollment? A No, sir.

Q You never drew any money from the Cherokee Nation then at all?

A No, sir.

Q Never been recognized? A No, sir.

Mr. Hastings: Where did you live before the war? A On Canadian.

Q In Canadian district? A Yes, sir.

Q Is your old master alive? A No, sir, he is dead.

Q Your young master alive? A Yes, sir.

Q Tall John West? A Yes, sir.

Q You belonged to them when the war came up? A Yes, sir.

Q You went south during the war? A Yes, sir.

Q Now you stated a while ago that you followed that Kern-Clifton court around, and that you never could get a hearing, didn't you?

A Yes, sir.

Q You didn't get any hearing, did you? A No, sir, I never get any hearing from it.

Q I don't want you to misunderstand; you mean you never got to go before the court? A Yes, sir, I went before the court.

Q But you couldn't find any witnesses then? A No, sir.

Q Wasn't Charlie Chambers there? A He was there.

Q Wasn't Columbus Lasley there? A Yes, sir, he was there.

Q Couldn't you get them to swear for you then? A No, sir, I didn't, I didn't try, I must tell you the truth about it, for I was sick at the time.

Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Vinita and they wouldn't hear her there at all.

Q What was her name? A At that time she was a Brewer, but she is Mrs. Ruthie Tinley now.

Q Where does she live? A Oolagah.

Q Does she know when you came back? A Yes, sir.

Q Did you come back with her? A No, sir, I came ahead of her.

Q Where did you come in the Cherokee Nation? A Sequoyah district.

Q Now who came with you? A Charles Chambers.

Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.

Q Well, you came to Sequoyah district, did you? A Yes, sir.

Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living in a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.

Q Did you continue to live there? A Yes, sir, lived there three years.

Q Do you know John Melton? A Well, no sir, I don't know whether I did or not.

Q Who did you know down there in that settlement? A John Campbell.

Q He is dead, is he? A Yes, sir, he is dead.

Q Anybody that is living that was there then? A Well, old man

Jack Campbell, he is dead too.

Q How about Dr. Campbell, at Illinois Station? A I don't know nothing about him.

Q Anybody else down there that you can think of that is living now?

A Well Harrison Foreman was one.

Q Was he living down there then? A Yes, sir, he was right there then.

Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.

Q Do you know Mrs. Franklin's daughter, Eliza McCrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.

Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.

Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.

Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.

Q That was the winter after the close of the war? A Yes, sir.

Q That was the next winter was it? A It was that coming winter.

Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.

Q You came up there with him? A Yes, sir.

Q And you lived there with him about a year? A Yes, sir.

Q Did you live with him until the winter following that? A He left in the spring.

Q The following spring? A Yes, sir.

Q Did you see him any more? A Yes, sir.

Q When did you see him? A Well, I came to Gibson and we lived there together again when I came there.

Q Well, how long had he been gone before you went up there?

A He had been gone about a year.

Q And you went up there and lived with him, to Gibson? A Yes, sir.

Q It was about a year after he left you before you went to Gibson?

A Yes, sir.

Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.

Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.

Q Did you live with Charles Chambers at Park Hill? A Yes, sir.

Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.

Q Then where did you go? A I went to Tahlequah.

Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.

Q Well, where did you go from Tahlequah? A I came to Pryor Creek.

Q How long did you live there? A I stayed to Pryor Creek about a year.

Q Well, then where did you go? A I went to Timber Hill.

Q Who did you live with at Timber Hill? A Lived with my sister.

Q What was her name? A Harriett Marcum.

Q Where did you go from Timber Hill? A Well, I hired ~~xxxxxx~~ to a man over in the Creek Nation.

Q About when was that? A I really can't tell you.

Q About how many years ago? A Well, I just can't tell you that, to be honest with you.

Q As much as 20; about how long after the war was it? A I don't know as I can tell you that.

Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

the Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q Have you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Roley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of West, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from ~~there~~ there? A Been about five years.

Q You moved back when the Kern-Clifton Court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson.

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

Q Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring peace was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Rattie.

Q What are your other children's named who are alive?

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, he is a Chapman.

Q Where was Sarah born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kern-Clifton Commission that you lived west of Checotah, towards the sunset of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Checotah? A No, sir, I never did live in that direction.

Q You never said that? A No, sir, if I did I don't remember it, I meant to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation. A I know he does

Q You said a while ago that you lived in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Q Now, how long have you lived in Canadian district now? A I don't ~~know~~ live there.

Q Where do you live? A I live up here on Lightning Creek.

Q When did you move up here? A Over five years ago.

Q Where did you move from up here? A I moved from the Creek Nation.

Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.

Q How long had you been living at Gibson when you went over there? A I was just going backwards and forwards.

Q Where did you have a house; have one at Gibson? A Yes, sir, I had a house at Four Mile Branch, well at Park Hill.

Q When did you have one there? A When me and Charlie lived there.

Q After that? A I never had a house after that, I was just working out.

Q You never had a home after that? A No, sir.

Q That was about four years after the war? A Yes, sir.

Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.

Q Where have these children been living? A Left them once with my sister.

Q What is her name? A Mintie Martin

Q Where does she live? A On Pryor Creek.

Q How long did you leave them there? A Left them once about six months, and another time nearabout a year.

Q Now tell me how long you have been living in the Creek Nation? A Well I havetold you.

Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.

Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I was just backwards and forwards.

Q Did your husband have a home over there? A Yes, sir, he did.

Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellop.

Mr. Sequichie: Which McKellop? A Albert.

Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.

Q Where did you could get work? A Yes, sir, wherever I could get work to support my children.

Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.

Q Never worked there? A Never was in the state in my life.

Q Arkansas? A No, sir.

Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.

Q You had two children, Lucinda and Eva, born in the Creek Nation? A No, sir, never had a child of that name in my life.

Q They are your grandchildren? A Might be.

Q I ask you if you know them, Lucinda and Eva Colonel? A That is right.

Q You know them now? A Yes, sir.

Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.

Q Whose children are they? A They are my daughter's children; they are in the Creek Nation with their father.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Seedles, testified as follows:

Q What is your name? A Charlie Chambers.

Q About how old are you? A 70 years old.

Q What is your postoffice? A Hudson.

Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.

Q Did you and her ever live together as man and wife? A Yes sir.

Q When were you married? A Well, we were not married, we took up toge her just like the darkies always just used to do: there wasn't anybody to marry us in that times.

Q When was that? A That was in the war time, just directly after the war first came up.

Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.

Q During the war? A In time of the war.

Q How long did you and her live together? A We lived together I guess about, as well as I can recollect, six or seven years.

Q Did you return back to the Cherokee Nation with her? A Yes, sir.

Q What year was that? A They told me it was in '65, they wasn't hardly stopped fighting yet, when we came along, they were killing all along the road.

Q Are you on the 1880 roll? A Yes, sir.

Mr. Sequichie: I would like to identify him on the 1880 roll.

Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.

Mr. Hastings: Where did you know this woman down south? A Knew her right at John West's.

Q John West living down there? A Yes, sir, he was living there.

Q Charlie, you ever been up before the courts any? (No response)

Q Ever tried at Fort Smith; answer the question? A Well yes I told you that; you ask me that every day.

Q Convicted? A No, sir.

Q Was you ever tried in the Cherokee courts? A Yes, sir.

Q Ever tried by the United States court at Vinita? A Yes, sir.

Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.

Q You never testified for this woman then? A No, sir.

Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.

Q Did she ask you to testify for her? A No, sir.

Q Was this woman Sidney West a slave? A Yes, sir.

Q Who did she belong to? A She belonged to John West.

Q John West a Cherokee citizen? A Yes, sir.

Q Was she taken out of the country during the war? A Taken out at the commencement of the war.

Q Where to? A She was taken down there to Red River in the Choctaw Nation.

Q Do you know when she came back? A Yes, sir.

Q When? A Came back in '65.

Q You came with her? A Yes, sir.

Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there, and I don't know how long we did live together there.

Q You say you lived with her in the Choctaw Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

Q Yes, sir, I had heard she was living in the Creek Nation.

A She has married over there? A Yes, sir.

Q She lived over there until a few years before the Kern-Clifton Commission? A No, sir, she hasn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her; anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do; of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave with her? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on an old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You run off and left her down there? A Yes, sir, I come off and left her down there.

COLUMBUS LASLEY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 53.

Q What is your postoffice? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Sequitchie: Mr. Lasley, do you know Mrs. Sidney West? A Yes, sir.

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south, after the war?

A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and in '67 we lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places; she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, she told me she lived over here on Canadian or some place, in the Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time is '67 did you see this woman? A It was in '67 we went out on the Four Mile Branch, it was after that I got acquainted with her.

Q What time of the year do you recollect? A No, sir, my recollection, it was the spring or summer.

Q Or fall? A I think it was in the summer.

Q You think it was after the first of January? A No, sir, it was in '67 when we went out there, and after that I saw this woman.

Q What time in '67 did you go out there? A We went out there in the summer.

Mr. Sequichie: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there, Mrs. Finley and Mr. West.

Commissioner: Sidney West applies for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of August, 1901.



Commissioner.

File with case of Sarah Chatman, et al., C.F.-D.#678.

Supl.C.F.-D.#564.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SIDNEY WEST as a Cherokee Freedman; introduced on the part of
Applicant:

APPEARANCES:

Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles,
testified as follows on behalf of Applicant:

MR. SEQUICHIE: What is your name? A John C. West.

- Q Post office? A Muskogee.
- Q Your age? A 59.
- Q Mr. West, do you know a Cherokee Freedman, applicant, by the name of Sidney West? A Yes, sir.
- Q Did she belong to you or your family some way? A Yes, sir, she belonged to father.
- Q Do you remember what time, whether before the war or after the war, she left the Cherokee Nation? A She left the Cherokee Nation in about '63.
- Q You remember what year she came back? A No, sir.
- Q Did you ever hear of her any more after she left here?
(Question objected to by Mr. Hastings.)
- Q Do you know when she came back to the Cherokee Nation?
A No, sir, I don't.
- Q Did you see her at any time while she was away? A Yes, she was with the family.
- Q Where? A From '63 until about '65 I guess.
- Q Where was that? A Down in the Chickasaw and Choctaw Nation, down on Red river.
- Q In the Indian Territory? A Yes, sir.
- Q About what year was she in the family? A As well as I remember about '65.
- Q Do you know where she went then? A No, sir, I don't.
- Q Did you ever see her in the Cherokee Nation after that?
A No, sir, I don't believe I ever did.
- Q Never seen her? A No, sir.
- MR. HASTINGS: Where do you live, in what district?
A Canadian.
- Q How long have you lived there? A I have lived there since '60.
- Q How wide across east and west is Canadian district? A I suppose it is about 32 miles, east and west.
- Q How far north and south? A About the same distance.
- Q You have been sheriff of your district? A Yes, sir.
- Q You have lived there ever since the war? A Yes, sir.
- Q Been on the Police force? A Yes, sir.
- COMMISSIONER NEEDLES: You say Sidney West during the war went to the Chickasaw Nation? A In Choctaw Nation, she went down there with the family.
- Q She didn't go any farther south than the Choctaw Nation?
A No, sir.
- Q And the last you saw her was in the Choctaw Nation in '65?
A Yes, sir.

---oooOOoooo---

J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Fosson

Supl. C. P. D. #564.---

Subscribed and sworn to before me this October 4th, 1901.

A handwritten signature in dark ink, appearing to be "S. J. ...", written over a faint horizontal line.

Commissioner.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of---

Etta Manley et al.,	Cherokee Freedmen D-353,
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-435,
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-554,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire) et al.	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Meigs, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tossie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 83, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866 and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman, and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber

and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. R. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 5 1905.

SCP

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory.
August 10, 1906.
F-4145.

In the matter of the application of Sarah Burl, enrolled as Sarah Chatman, to select an allotment and designate a homestead in the Cherokee Nation.

SARAH BURL, being sworn by J. F. Tidwell, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Sarah Burl.
Q What is your age? A I don't know mister,
Q About how old do you think you are? A Somewhere about thirty.
Q What is your postoffice address? A Rentiesville.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you enrolled as Sarah Chatman? A Yes sir.
Q Who did you marry? A A white man.
Q Who? A A state man.
Q What is his name? A Monroe Burl.
Q Is he a citizen of the Cherokee Nation? A No, a state man.
Q When did you marry Monroe Burl? A The 30th of November, 1905.
Q Are you and him living together at the present time? A Yes sir.
Q Your purpose for appearing at the Cherokee Land Office to-day is to select you allotment, is it? A Yes sir.
Q Have you the land which you desire to select? A Yes sir.
Q Is it improved land? A Yes sir.
Q What is the name of your oldest daughter? A Evaline Jimison.

WITHOUT OBJECTION.

Habellé Chenour, stenographer to the Commissioner to the Five Civilized Tribes states on oath that the foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Habellé Chenour

Subscribed and sworn to before me this 10th day of August, 1906.

J. F. Tidwell
Notary Public.

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1876

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedman
D-303 et al.

Muskogee, Indian Territory, January 28, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of *W. H. Stanley et al.*, including the Commission's decision, dated January 1, 1906, granting the applications for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Susie Webster; also, Ida, Frank, Sarah, John, Joseph Jr., William, and John Webster; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney Kent, Sabra McGowan, Sarah, J. J. Talia, and Fannie Chatham; Evaline Dickson, Harry Casson, and Flora Rogers, and rejecting the applications for the enrollment of Mace, Alonzo, Francis, Raymond, Howard, Iosie, Harvey, and Joseph Stanley Sr.; Yocky, Louis Jr., Lewis Jr., Oora, Floyd, Pauline, and Margaret Webber, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tame Bixby*
Commissioner.

Encl. 1-1 .

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedman

~~D-980.~~

D. 678

Muskogee, Indian Territory, September 7, 1904.

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

It appears from our records that application has been made to the Commission for the enrollment of Eveline Jimison as a Cherokee Freedman. It is claimed in the testimony that her father, Bob Jimison is a Creek freedman.

You will please advise the Cherokee Enrollment Division of this Office as to whether or not any application has been made for the enrollment of said Eveline Jimison as a Creek Freedman, and if so, what has been done with her said application.

Respectfully,

James Kirby.

Chairman.

E.M.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEVER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, September 13, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Referring to office letter of September 7, Cherokee Freedman D-950, it appears from the records of the Creek Enrollment Division that no application has been made for the enrollment of Eveline Jimison as a Creek Freedman, and neither does it appear that the name of her father, Bob Jimison, is found on the Roll of Creek Freedmen.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-393, et al.

Muskogee, Indian Territory, January 5, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1905, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Jesh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Fannie Chatman, Evaline Jimison, Henry Caesar and Eliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

Encl. K-6.

Chairman.

James Bixby. (SIGNED)

Respectfully,

principal applicants. If you fail to file protest within the time allowed this decision will be considered final.

COPY.

Cherokee Freedmen
D-678.

Muskogee, Indian Territory, January 26, 1905.

Sarah Chatman,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for the enrollment of yourself, and your minor children, Evaline Jimison, Henry Caesar, Jim, Julia, and Nannie Chatman, as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-14.

Register.

(SIGNED)

Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
D-564 et al.

Muskogee, Indian Territory, January 26, 1905.

A. S. McRea,

Attorney for Sidney West et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the applications for the enrollment of Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Nannie Chatman; Evaline Jimison and Henry Caesar, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

James Bixby

Chairman.

Encl. I-18.

Register.

-COPY-

LAND
8564-1905.
14810-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 31, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to

Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1880 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continually resided in the Cherokee Nation. The applicants, Ella Whitmire, Sam and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1866 and have continuously resided in the Cherokee Nation since birth. the minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation

since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitmire are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1880 and have continuously lived with their mothers since birth.

-4-

The record shows that the applicant, Frank Webber, died
June 13, 1901.

In view of the record the approval of the Commission's
decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D 678.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 8, 1906.

Sarah Chatman,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the applications for the enrollment of yourself and your children, Evaline Jimison, Henry Caesar, Jim, Julia and Nannie Chatman, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make allotment selections until your names have been placed upon a Cherokee freedmen schedule and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.


Commissioner.

Cherokee Freedmen
D353 et al.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Beaky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Baulah Webber and Margaret Webber, Joseph Maley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmore, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed
herewith a copy of the Departmental decision referred to.

Respectfully,

Encl. A-93.
M.A.

Tame Bixby.
Commissioner.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

M.A.

~~WENED.~~

James Dixby.

Commissioner.

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR,

D.C. 22188

WASHINGTON.

PHE.

I.T.D. 3843,4575,8743-1905.

8745,1903,8905- "

3344,8907- "

10611,12908- "

May 31, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonso Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston S. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

1 inclosure.

Cher Fr 1519

Cher Fr 1519

Department of the Interior,
Commission to the Five Civilized Tribes,
Chalsea, I.T., June 11, 1901.

In the matter of the application of Susie Webber for the enrollment of herself, and two children as Cherokee Freedman, and for the enrollment of her husband as a Cherokee Freedman by inter-marriage.

Susie Webber, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Susie Webber.
- Q How old are you? A 21.
- Q What is your post office? A Hayden.
- Q In what district do you live? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to apply for anybody besides yourself? A Two children and my husband.
- Q How long have you lived in the Cherokee Nation? A Why I can't exactly tell you how long I have lived in the Cherokee Nation.
- Q Were you born in the Cherokee Nation? A Yes, sir.
- Q Are you living in the Cherokee Nation at this time? A Yes, sir.
- Q How long have you been living in the Cherokee Nation down to the present time? A Why I guess I have been living in the Cherokee Nation for about, that is here, I have been living here —
- Q How long at Hayden? A I have been living at Hayden now going on five years.
- Q Where did you live before that? A Where I came from when I came to Lightening, why I came from Four Mile Branch.
- Q What in the Cherokee Nation? A Yes, sir.
- Q Where did you live before that? A We lived in the Creek Nation before that, we lived there about two years with my mother, of course I was little and had to go with her.
- Q That at Muskogee? A Yes, sir.
- Q You ever live in Kansas or Texas? A No, sir, never in my life.
- Q Or Arkansas? A No, sir.
- Q Have you ever lived anywhere else except in the Cherokee Nation and the Creek Nation? A No, sir, never did.
- Q How much time have you spent in the Creek Nation? A I really can't tell you how much I have spent in the Cherokee Nation.
- Q Ten years? A Yes, sir, probably that time.
- Q More than 11 years in the Creek Nation; how many years have you spent altogether in the Creek Nation? A About three years I expect, maybe not quite so much.
- Q Outside of that, you have lived altogether in the Cherokee Nation? A Yes, sir.
- Q Give me the name of your father? A Henry Smith.
- Q Is he alive? A I really can't tell you whether he is or not, but I think he is.
- Q Was he a Cherokee Freedman, or a state man? A Why I think he was a Cherokee Freedman.
- Q You don't know? A No, sir, don't know.
- Q Give me the name of your mother? A Sidney West.
- Q She is alive, is she? A Yes, sir.
- Q Didn't she marry some years ago a man named Scott? A Yes, sir.
- Q But she goes under the name of West now? A Yes, sir.
- Q She applied a few days ago? A Yes, sir.
- Q She is living at Muskogee now, isn't she? A No, sir.
- Q She has moved back in the Cherokee Nation? A Yes, sir.
- Q Are you a sister of Dick Chambers who applied just now? A Yes, sir.
- Q You are a half sister, aren't you? A Yes, sir, a half sister.
- Q You are both the children of Sidney West? A Yes, sir.
- Q And you get your claim through her? A Yes, sir.
- Q How many times have you been married? A Haven't never been

Susie Webber - 2.

married but once.

- Q Give me the name of your husband? A Frank Webber.
Q How old is he? A 37.
Q Where is he living? A Cooweescoowee district.
Q Out at Hayden? A Yes, sir.
Q Is he here with you? A Yes, sir, he is here with me, but then he is sick.
Q How long has he lived in the Cherokee Nation? A Why I expect he has lived in the Cherokee Nation all his life, I can't tell you.
Q You never heard of him living anywhere else? A No, sir.
Q Give me the name of his father? A Bob Webber.
Q Is he alive? A Yes, sir.
Q Give me the name of his mother? A Margaret Webber.
Q Is she alive? A Yes, sir.
Q Is Robert Webber a Cherokee Freedman? A Yes, sir.
Q Is Margaret Webber a Cherokee Freedman? A Yes, sir.
Q Have they both applied? A Bob Webber has, his wife hasn't yet.
Q When were you and your husband married? A Married in 1897.
Q Have you a certificate of marriage? A No, sir, I haven't.
Q How many times has he been married? A Why I think he has been married twice only, if I mistake now.
Q Only once before he married you? A Yes, sir.
Commissioner: Robert and Margaret Webber are on Cherokee Freedman D-630.
Q Who was your husband's first wife? A Paulina, that is the name I knew her by, Paulina Sanders.
Q Is she alive? A Yes, sir.
Q Did he ever get a divorce from her? A Yes, sir.
Q Have you got a copy of that decree of divorce? A I don't know whether he has or not.
Q Well then after a while he married you? A Yes, sir.
Q You haven't got a certificate of your marriage? A No, sir.
Q Is there somebody here who knows that you and your husband have lived together as husband and wife? A Yes, sir.

Sidney West, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Sidney West.
Q How old are you? A As well as I can tell you, I guess about something over 56.
Q What is your post office? A Hayden.
Q Is this your daughter here? A Yes, sir, that is my baby.
Q Is she married? A Yes, sir.
Q What is the name of her husband? A Frank Webber.
Q About how long has she been married to Frank Webber? A Some three or four years.
Q Has she two children by that marriage? A Yes, sir.
Q They are living now are they? A Yes, sir.
Q They are living together now are they as husband and wife?
A Yes, sir.
Q And have lived ever since their marriage? A Yes, sir.

Susie Webber, recalled, testified:

- Q Give me the names of your children? A Julia Webber.
Q How old is Julia? A She is 3 years old.
Q The next child? A Samuel Webber.
Q How old is Samuel? A One year and five months.
Q These children are both living now are they? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Susie Webber - 3.

Q Did you draw strip money? A No, sir, I didn't.

Q Did your husband draw strip money? A Yes, sir.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Susie Webber not on said roll;

Frank Webber on page 180, No. 4432, Coover's Coover's district.

Q Are you on the Wallace roll? A No, sir, I don't think I am.

The Wallace roll examined and the applicant, Susie Webber, not identified thereon.

Commissioner: The applicant applies for the enrollment of herself, her husband and two children. The applicant is not identified on any roll. She is 81 years of age. It appears that she has lived in the Cherokee Nation all her life except a few years in the Creek Nation, and her change of name by marriage is established in a satisfactory manner? She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in her case, there will be filed herewith the testimony taken in the case of her mother, Sidney West, through whom alone she claims to have a claim of her own right, which is Cherokee Freedman doubtful case D-564. In addition to the claim that the applicant may have through her mother, there is a possible claim by marriage through her husband. It appears that the applicant was never married except to her present husband. In regard to the status of her husband in this respect, it appears that he was married once prior to his marriage to the applicant, and no evidence of divorce from his first wife, who is said to be still living, is produced at this time. Therefore, if the applicant has occasion to look to this source for enrollment, the status of her husband in this particular will have to be established, in addition to his own right as a Cherokee Freedman. In regard to his right in the latter particular, he is identified on the Kern-Clifton roll; the applicant thinks that he has lived in the Cherokee Nation all his life. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for fuller evidence in his case, there will be filed herewith a copy of the testimony in Cherokee Freedman Doubtful case D-530, the same being the case of his mother and father, Robert and Margaret Webber.

As for the two children for whom application is now made, Julia and Samuel Webber, they are too young to be on any roll. The applicant is desired to file with the Commission proper certificates of their births, and these two children will be listed for enrollment on a doubtful card, to await the determination of the status of their mother, and that if she be not properly established as a Cherokee Freedman of her own right, then the determination of their right through their father, provided it be established that his marriage to this applicant was of such a character as to convey rights to them, should he be found to possess them, and the mother be shown not to possess rights herself. The final decision of the Commission with reference to this case will be made known to the applicant at her post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 20th of June, 1901.

Bruce C. Jones
[Signature]
Commissioner

1000

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date *June 15 1901*
Post Office *Wendover*
District *Gov.*

1. Name *Clark Wilson* Age *27*
Owner's name _____ Citizenship _____
Year *1880* Page *180* No. *4432* District *Gov.*

Parents:
Father *J. S. Wilson* Citizenship *Gov.*
Mother *Margaret Wilson* Citizenship _____

2. Name of wife *Lillian Wilson* Age *21*
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father *Henry Wilson* Citizenship *Gov.*
Mother *Lillian Wilson* Citizenship *Gov.*

Names of Children:

- 3. *Lillian Wilson* Year _____ Page _____ No. _____ Dist. _____
- 4. *Amber* Year _____ Page _____ No. _____ Dist. _____
- 5. Year _____ Page _____ No. _____ Dist. _____
- 6. Year _____ Page _____ No. _____ Dist. _____
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

30m
17

Application made by _____ Stenographer _____

*I am the son of J. S. Wilson
I was born in the Cherokee Nation
I was freed by the Cherokee Nation
I was educated in the Cherokee Nation
I was employed in the Cherokee Nation*

IN RE
Application for Enrollment of
INFANT CHILD

Julia Webber
as a citizen of

CHE. OKLA. Nation

Approved June 11th 1901

G. F. Needles, Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
CIVILIZED TRIBES

F I I E I

JUN 11 1901

Trans. by
Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,
of Julia Webber (Here insert name of child.) , born on the 8 day of June, 1898.
Name of Father: Frank Webber a citizen of the Cherokee Nation.
Name of Mother: Susie Webber a citizen of the Cherokee Nation.
Postoffice Hayden I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, {
Northern DISTRICT. }

I, Susie Webber, on oath state that I am 21 years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Frank Webber, who is a citizen, by adoption of the Cherokee Nation; that a Female child was born to me on 8 day of June, 1898; that said child has been named Julia Webber, and is now living.

WITNESSES TO MARK: Susie Webber

(Must be Two Witnesses.)

Subscribed and sworn to before me this 7 day of June, 1901

(S. A. J.) My commission expires March 25, 1905 Wm. Madden Jr. Notary Public.
P.O. Hayden, I.T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, {
Northern DISTRICT. }

I, Sidney West, a midwife, on oath state that I attended on Mrs. Susie Webber, wife of Frank Webber on the 8 day of June, 1898; that there was born to her on said date a Female child; that said child is now living and is said to have been named Julia Webber

WITNESSES TO MARK: Sidney X West mark

(Must be Two Witnesses.) Sam Webber
Squire Ward

Subscribed and sworn to before me this 7 day of June, 1901

(S. A. J.) Wm. Madden Jr./. Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

Samuel Febler
as a citizen of

CHEROKEE Nation

Approved June 11th 1901

E.
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE
CIVILIZED TRIBES

JUN 11 1901

Wm.
Acting

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,

of Samuel Webber (Here insert name of child.) , born on the 27 day of Jan , 1900.

Name of Father: Frank Webber a citizen of the Cherokee Nation.

Name of Mother: Susie Webber a citizen of the Cherokee Nation.

Postoffice Hayden, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Susie Webber , on oath state that I am 21 years of age and a citizen by adoption of the Cherokee Nation;

that I am the lawful wife of Frank Webber , who is a citizen, by adoption of the Cherokee Nation; that a male child was

born to me on 27 day of Jan , 1900; that said child has been named

Samuel Webber , and is now living.

WITNESSES TO MARK: Susie Webber

(Must be Two Witnesses.)

Subscribed and sworn to before me this 7 day of June , 1901.

(S E A L) My commission expires March 25, 1905, Wm. Madden Jr. Notary Public.
P.O. Hayden, I.T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Sidney West , midwife , on oath state that I

attended on Mrs. Susie Webber , wife of Frank Webber

on the 27 day of Jan , 1900; that there was born to her on said date Male child; that said child is now living and is said to have been named

Samuel Webber her
Sidney West mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Sam Webber
Squire Ward

Subscribed and sworn to before me this 7 day of June , 1901.

(S E A L) Wm. Madden Jr. Notary Public.

DEPARTMENT OF JUSTICE
COMMISSION TO THE PRESIDENT
ON THE
S... ..
... ..
... ..

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JK Wilson & T. Left 24. 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Frank Walker et al for enrollment as
Freedmen of the Cherokee Nation.

No.

710680

J. P. Sequistie

Agent for applicants

72
A. D. 680

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned ^{agent} ~~attorney~~ for the
within named applicant, hereby accept
service of the within notice on this the

J. P. Sequeira
day of 190
Sequeira
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Frank Webber
for enrollment as Cherokee citizens:

Case No. D **680**

To Frank Webber or J. R. Sequitaho Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of _____ Indian Territory, on ~~Sept.~~ **Oct.** **14th** **1901** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____
SEP 23 1901

Attorneys for the Cherokee Nation.

File with Cherokee Freedman, D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment
as a Cherokee Freedman.

Appearances:

J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

SIDNEY WEST, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Sidney West.

Q How old are you? A I really don't know.

Q About how old? A I am about, as near as I can come at it, about
56 I guess.

Q What is your postoffice? A Hayden.

Q What district do you live in? A Cooweescoowee.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Just my children.

Q How many children? A Six.

Q Have you got any children under age? A No, sir.

Q Your name on the roll of 1880? A I don't know, sir, whether
it is on there.

Q You don't know whether it is on any roll or not? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.

The Kern-Clifton roll examined and the applicant not identi-
fied thereon.

The Wallace roll examined and the applicant not identified
thereon.

Mr. Sequichie: Mrs. West, can you give any reason why you are not
on any of the rolls? A Well, I followed the Kern around to Gibson
and to Vinita and I followed them to Anderson, and they didn't put
me on because I didn't have any witnesses just then.

Q What court do you mean by that? A Vinita's.

Q The Kern-Clifton enrollment? A Yes, sir.

Q What was the reason you didn't have any witnesses with you?

A Well, I thought I would find witnesses down on the CT and
it seems like nobody didn't want to own me.

Q Who did you belong to? A John West.

Q Were you here in the Cherokee Nation during the war between the
Confederates and the Union rebellion, the long war? A During of
the war, no sir.

Q Were you here before the war? A Yes, sir.

Q Where did you go during the war? A Went down to the Choctaw
Nation.

Q Were you ever married? A Yes, sir.

Q Who was your husband? A Charles Chambers.

Q How long did Charles Chambers and yourself live together?

A We lived together till we raised a family.

Q Do you remember what year you came back to the Cherokee Nation
after the war? A In '65 they told me, the fall of '65.

Q Who came back with you? A Charles Chambers.

Q Anybody else? A No, sir, because we went out from Red
River here.

Q What part of the Cherokee Nation did you come to when you re-
turned? A Squoyah.

Q Do you know the reason why you are not enrolled on the 1880 roll?

A Why I don't know nothing at all about it.

Q In fact, you had no one to look after you? A No, sir, I didn't have anyone to look after me.

Q Just alone? A Myself alone.

Commissioner: Were you a slave? A Yes, sir.

Q To whom did you belong? A John West.

Q Was he a Cherokee? A Yes, sir.

Q Where were you born? A On Grand River.

Q In the Cherokee Nation? A Yes, sir.

Q And you went out during the war? A Yes, sir.

Q Did you go any farther south than the Choctaw Nation? A No, sir.

Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.

Q Did you ever apply to the Creek Nation for enrollment? A No, sir.

Q You never drew any money from the Cherokee Nation then at all? A No, sir.

Q Never been recognized? A No, sir.

Mr. Hastings: Where did you live before the war? A On Canadian.

Q In Canadian district? A Yes, sir.

Q Is your old master alive? A No, sir, he is dead.

Q Your young master alive? A Yes, sir.

Q Tall John West? A Yes, sir.

Q You belonged to them when the war came up? A Yes, sir.

Q You went south during the war? A Yes, sir.

Q Now you stated a while ago that you followed that Kern-Clifton court around, and that you never could get a hearing, didn't you? A Yes, sir.

Q You didn't get any hearing, did you? A No, sir, I never get any hearing from it.

Q I don't want you to misunderstand; you mean you never got to go before the court? A Yes, sir, I went before the court.

Q But you couldn't find any witnesses then? A No, sir.

Q Wasn't Charlie Chambers there? A He was there.

Q Wasn't Columbus Lasley there? A Yes, sir, he was there.

Q Couldn't you get them to swear for you then? A No, sir, I didn't, I didn't try, I must tell you the truth about it, for I was sick at the time.

Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Vinita and they wouldn't hear her there at all.

Q What was her name? A At that time she was a Brewer, but she is Mrs. Ruthie Tinley now.

Q Where does she live? A Colingah.

Q Does she know when you came back? A Yes, sir.

Q Did you come back with her? A No, sir, I came ahead of her.

Q Where did you come in the Cherokee Nation? A Sequoyah district.

Q Now who came with you? A Charles Chambers.

Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.

Q Well, you came to Sequoyah district, did you? A Yes, sir.

Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living in a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.

Q Did you continue to live there? A Yes, sir, lived there three years.

Q Do you know John Melton? A Well, no sir, I don't know whether I did or not.

Q Who did you know down there in that settlement? A John Campbell.

Q He is dead, is he? A Yes, sir, he is dead.

Q Anybody that is living that was there then? A Well, old man

Jack Campbell, he is dead too.

Q How about Dr. Campbell, at Illinois Station? A I don't know nothing about him.

Q Anybody else down there that you can think of that is living now?

A Well Harrison Foreman was one.

Q Was he living down there then? A Yes, sir, he was right there then.

Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.

Q Do you know Mrs. Franklin's daughter, Eliza McGrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.

Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.

Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.

Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.

Q That was the winter after the close of the war? A Yes, sir.

Q That was the next winter was it? A It was that coming winter.

Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.

Q You came up there with him? A Yes, sir.

Q And you lived there with him about a year? A Yes, sir.

Q Did you live with him until the winter following that? A He left in the spring.

Q The following spring? A Yes, sir.

Q Did you see him any more? A Yes, sir.

Q When did you see him? A Well, I came to Gibson and we lived there together again when I came there.

Q Well, how long had he been gone before you went up there?

A He had been gone about a year.

Q And you went up there and lived with him, to Gibson? A Yes, sir.

Q It was about a year after he left you before you went to Gibson?

A Yes, sir.

Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.

Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.

Q Did you live with Charles Chambers at Park Hill? A Yes, sir.

Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.

Q Then where did you go? A I went to Tahlequah.

Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.

Q Well, where did you go from Tahlequah? A I came to Pryor Creek.

Q How long did you live there? A I stayed to Pryor Creek about a year.

Q Well, then where did you go? A I went to Timber Hill.

Q Who did you live with at Timber Hill? A Lived with my sister.

Q What was her name? A Harriett Marcus.

Q Where did you go from Timber Hill? A Well, I hired ~~myself~~ to a man over in the Creek Nation.

Q About when was that? A I really can't tell you.

Q About how many years ago? A Well, I just can't tell you that, to be honest with you.

Q As much as 20; about how long after the war was it? A I don't know as I can tell you that.

Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

the Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q Have you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Roley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of West, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from Texas there? A Been about five years.

Q You moved back when the Kern-Clifton Court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson.

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

Q Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring peace was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Hattie.

Q What are your other children's named who are alive?

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lived down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Charman.

Q Where was Sarah born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kern-Clifton Commission that you lived west of Checotah, towards the sunset of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Checotah? A No, sir, I never did live in that direction.

Q You never said that? A No, sir, if I did I don't remember it, I meant to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does.

Q You said a while ago that you live in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Q Now, how long have you lived in Canadian district now? A I don't know live there.

Q Where do you live? A I live up here on Lightning Creek.

Q When did you move up here? A Over five years ago.

Q Where did you move from up here? A I moved from the Creek Nation.

Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.

Q How long had you been living at Gibson when you went over there? A I was just going backwards and forwards.

Q Where did you have a house; have one at Gibson? A Yes, sir, I had a house at Four Mile Branch, well at Park Hill.

Q When did you have one there? A When me and Charlie lived there.

Q After that? A I never had a house after that, I was just working out.

Q You never had a home after that? A No, sir.

Q That was about four years after the war? A Yes, sir.

Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.

Q Where have these children been living? A Left them once with my sister.

Q What is her name? A Mintie Martin

Q Where does she live? A On Pryor Creek.

Q How long did you leave them there? A Left them once about six months, and another time near about a year.

Q Now tell me how long you have been living in the Creek Nation?

A Well I have told you.

Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.

Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I was just backwards and forwards.

Q Did your husband have a home over there? A Yes, sir, he did.

Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellop.

Mr. Seelichie: Which McKellop? A Albert.

Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.

Q Where did you could get work? A Yes, sir, wherever I could get work to support my children.

Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.

Q Never worked there? A Never was in the state in my life.

Q Arkansas? A No, sir.

Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.

Q You had two children, Lucinda and Eva, born in the Creek Nation?

A No, sir, never had a child of that name in my life.

Q They are your grandchildren? A Might be.

Q I ask you if you know them, Lucinda and Eva Colonel?

A That is right.

Q You know them now? A Yes, sir.

Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.

Q Whose children are they? A They are my daughter's children; they are in the Creek Nation with their father.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Seelichie, testified as follows:

Q What is your name? A Charlie Chambers.

Q About how old are you? A 70 years old.

Q What is your postoffice? A Hudson.

Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.

Q Did you and her ever live together as man and wife? A Yes sir.

Q When were you married? A Well, we were not married, we took up together just like the darkies always just used to do; there wasn't anybody to marry us in that times.

Q When was that? A That was in the war time, just directly after the war first came up.

Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.

Q During the war? A In time of the war.

Q How long did you and her live together? A We lived together I guess about, as well as I can recollect, six or seven years.

Q Did you return back to the Cherokee Nation with her? A Yes, sir.

Q What year was that? A They told me it was in '65, they wasn't hardly stopped fighting yet, when we came along, they were killing all along the road.

Q Are you on the 1880 roll? A Yes, sir.

Mr. Sequichie: I would like to identify him on the 1880 roll.

Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.

Mr. Hastings: Where did you know this woman down south? A Knew her right at John West's.

Q John West living down there? A Yes, sir, he was living there.

Q Charlie, you ever been up before the courts any? (No response)

Q Ever tried at Fort Smith; answer the question? A Well yes I told you that; you ask me that every day.

Q Convicted? A No, sir.

Q Was you ever tried in the Cherokee courts? A Yes, sir.

Q Ever tried by the United States Court at Vinita? A Yes, sir.

Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.

Q You never testified for this woman then? A No, sir.

Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.

Q Did she ask you to testify for her? A No, sir.

Q Was this woman Sidney West a slave? A Yes, sir.

Q Who did she belong to? A She belonged to John West.

Q John West a Cherokee citizen? A Yes, sir.

Q Was she taken out of the country during the war? A Taken out at the commencement of the war.

Q Where to? A She was taken down there to Red River in the Choctaw Nation.

Q Do you know when she came back? A Yes, sir.

Q When? A Came back in '65.

Q You came with her? A Yes, sir.

Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there, and I don't know how long we did live together there.

Q You say you lived with her in the Choctaw Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

Q Yes, sir, I had heard she was living in the Creek Nation.

A She has married over there? A Yes, sir.

Q She lived over there until a few years before the Kern-Clifton Commission? A No, sir, she hasn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her; anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do; of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave with her? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on an old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You run off and left her down there? A Yes, sir, I come off and left her down there.

COLUMBUS LASLEY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 53.

Q What is your postoffice? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Sequichie: Mr. Lasley, do you know Mrs. Sidney West? A Yes, sir.

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south, after the war?

A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and in '67 we lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places: she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, she told me she lived over here on Canadian or some place, in the Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time is '67 did you see this woman? A It was in '68 we went out on the Four Mile Branch, it was after that I got acquainted with her.

Q What time of the year, do you recollect? A No, sir, my recollection, it was the spring or summer.

Q Or fall? A I think it was in the summer.

Q You think it was after the first of January? A No, sir, it was in '67 when we went out there, and after that I saw this woman.

Q What time in '67 did you go out there? A We went out there in the summer.


Mr. Sequichie: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there: Mrs. Finley and Mr. West.

Commissioner: Sidney West applies for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of August, 1901.



Commissioner.

file with Cherokee Freedman, D-680, Susie Webber

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Robert Webber for the enrollment of himself and wife as Cherokee Freedmen; said Webber being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Appearances:

Messrs. Mellette & Smith for Applicants.
Mr. J. S. Davenport for Cherokee Nation.

- Q Give me your name? A Robert Webber.
Q How old are you? A About 65.
Q What is your postoffice? A Hayden.
Q In what district do you live? A I live in Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A My wife.
Q Is that all? A My children.
Q How many children? A Four.
Q You have got four children that are under 21? A No, they are all married.
Q Then it is just you and your wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, born here.
Q Were you out during the war? A Yes, sir.
Q What time did you come back? A I come back in '66.
Q Have you lived hereever since you got back in 1866? A Yes sir.
Q Were you the slave of a Cherokee citizen when the war broke out?
A Yes, sir, I was the slave of old Akey Webber.
Q Was she a recognized citizen of the Cherokee Nation?
A Yes, sir, full blooded Indian.
Q What time did you come back in 1866? A Along in the summer.
Q To what point did you come? A I come on the Barren Fork in Tahlequah District.
Q You came right to Barren Fork? A Yes, sir.
Q Give me the name of your wife? A Margaret.
Q How old is your wife? A She is about 66.
Q When did you marry her? A In time of the war.
Q Was she a slave of a Cherokee citizen when the war broke out?
A Yes, sir.
Q Whom did she belong to? A John Gunter's mother.
Q What was her name? A Nancy Ward.
Q Was she a well known and recognized citizen of the Cherokee Nation? A Yes, sir, I guess so, she always drawed money with them
Q Did this woman, Margaret, go with you to Kansas? A No, sir, we was in Texas together.
Q You didn't go to Kansas? A No, sir.
Q She went with you? A That is where I found her when I got her.
Q You married her down there? A Yes, sir.
Q Was she there with a Cherokee by blood? A Yes, sir.
Q Did the Wards have her there? A Yes, sir.
Q Did she come back with you? A Yes, sir; I brought her back.
Q Has she lived in the Cherokee Nation ever since? A Yes, sir.
The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kerr-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 180, #4430, Robert Webber, Cooweescoowee District.
Page 175, #4288, Margaret Webber, Cooweescoowee District.

Q Now, how does it happen that neither you nor your wife is on the roll of 1880? A Well, I guess they just didn't want to put it on there.

Q What reason did they give? A Didn't give any reason.

Q Did you talk to them about it when they come around? A Yes sir.

Q What did they say? A Didn't say anything, said they would put it down.

Q Did they tell you it was all right or they didn't know?

A They didn't know; wasn't but one man told me it was all right and that was Rufus Ross.

Q Did you ever go to Tahlequah and see about having your rights recognized? A Yes, sir.

Q When did you go? A When John Chambers was Judge.

Q Did you attend his court? A Yes, sir, he sent a summon for me.

Q Did you have proceedings there before his court? A Yes, sir.

Q And what was the result of the proceedings? A He put me off for two or three weeks.

Q And then what did they do? A When I went back they had done tried me and put me on the doubtful roll and I said it was a poor way to try a man and him absent.

Q Did they question you when you first went there? A No, he just talked some when I went there and told me all he wanted was good evidence.

Q Did he examine any witnesses? A No, sir.

Q Did he ask you about when you come back and all about it?

A Yes, sir.

Q Asked you all about it at that time? A Yes, sir.

Q He took your own evidence? A Yes, sir; I got to the door and he got to talking Cherokee to me and we stood there talking Cherokee a long time and he said we will put it off for two weeks and I returned inside of two weeks.

Q Did you take any witnesses? A Yes, sir, they are dead now.

Q Did you take them back in that two weeks? A No, sir, they lived down there.

Q Did they live at Tahlequah? A Yes, sir.

Q You had them there at the end of two weeks did you? A Yes, sir.

By Mr. Mellette:

Q Who did you come back with? A I come with a fellow by the name of Web Crittendon.

Q Where is the first point you struck in the Cherokee Nation when you came here? A The first pint I struck was on the Illinois River by Mr. Musgrove's; I come down the big road, down Lindsey's prairie.

Q Where did you come from? A I come from Caldine Gunter's.

Q In what State? A That was in Arkansas he lives, I moved him there.

By Commissioner Beckinridge:

Q You moved him from where? A From Texas.

Q How long did you stay at Caldine Gunter's? A I stayed there that winter, in '65, and in '66 I left them, told mother there was a limit and I had better get back.

Q Is that up in Washington County, Arkansas? A Benton County I think.

Q Did you stay there as much as a year? A No, sir.

Q What time of the year was it you got there? A In the winter.

Q And what time did you leave? A I left in the Spring.

Q The following Spring? A Yes, sir, the following spring.

Q You came to Gunter's from Texas? A Yes, sir.

Q About what time in the winter? A I don't know just exactly.

Q Well about how long after Christmas? A Oh, I guess it must have been a week or two after Christmas.

Q How did you happen to leave Texas and go up to Gunter's?

A He was coming back and he said he would bring me back.

Q Was the war over? A Yes, sir, peace was declared in '65, I drove teams for him.

Q Had Gunter been in the Confederate army? A No, sir, he hadn't been in any army at all; he stayed with his family.

Q There was no fighting when you came back? A No, sir, the war was ended but it was little kinda squally times yet.

Q Who came with you and the Gunters? A Fellow by the name of Crittendon.

Q How long had the war been over when you went to Gunters?

A Peace was declared in '65; I was with Gunter there in Texas when peace was declared, we started back home that same summer.

Q Have you lived in the Cherokee Nation ever since you came to it from Gunter's in Arkansas? A Yes, sir.

Q Was your wife with you at Gunter's? A Yes, sir.

Q Did she come with you from Gunter's to the Cherokee Nation?

A Yes, sir, I moved her down from Gunter's to the Cherokee Nation.

By Mr. Davenport:

Q Now, Robert, did you belong to Caldine Gunter at the breaking out of the war? A Yes, sir.

Q You belonged to whom? A Old Akey Webber.

Q Where were you living with reference to Caldine Gunter and family when the war broke out? A I was living down here by Tahlequah.

Q How far from Gunter's? A About 35 or 40 miles.

Q They were living at what is known as Siloam Spring? A Yes, sir.

Q You went south to Texas during the war? A Yes, sir.

Q And you came back to Arkansas with Caldine Gunter and his family?

A Yes, sir.

Q Do you remember the names of Caldine Gunter's children that were living then? A Yes, sir, I know part of them, John T. Gunter.

Q He lives here at Vinita? A Yes, sir.

Q Do you remember his oldest daughter's name? A Ann Eliza.

Q Mrs. Doctor Fortner at Vinita? A Yes, sir, and Eliza was out cow driver.

Q When you applied to the Chambers Court in 1871 to be admitted, you were decided against, of course, you had returned too late?

A That is what they said.

Q Now, when you came back to the Nation whose farm did you come to first? A I went to the old Roach farm on Barren Fork, the George Roach's farm.

Q He was living there? A Yes, sir.

Q He is now living down in there? A Yes, sir.

Q He would know when you got back? A Yes, sir, he ought to know I made a crop there.

Q In giving your testimony before you didn't state that you returned to Caldine Gunter's in 1866? A No, sir, I didn't.

Q How long did you live on the Roach place on Illinois river in that country there? A I lived down in that country four or five years.

Q Who else of the Cherokee families were living there when you returned to the Roach place? A Nan Roach and John Roach and Sallis.

Q Were there any other Cherokee families there other than the Roach family? A Aaron Crittenden.

Q How far is this Roach place from Tahlequah? A Ten miles.

By Com'r Breckinridge:

Q Where was Caldine Gunter living when the war broke out?

A He was living there where I left him I guess.

Q At Siloam Springs, Arkansas? A Yes, sir.

Q Was your wife living with him? A I guess so, I didn't know anything about her when they were living there.

Q You met her in Texas? A Yes, sir.

Q Well, was she living with Caldine Gunter in Texas? A Yes, sir.

Q And she belonged to Caldine Gunter at the time he went back with Caldine Gunter to his house? A Yes, sir, she was in the family.

Q Now, you and your wife have a lot of children? A Yes, sir.

Q They are of age? A Yes, sir.

- Q They may need to claim in your case so I will take their names now; give me their names? A Frank Webber.
- Q How old is Frank? A About 37.
- Q And then the next child? A Katie but then she went in with her husband.
- Q She is with her husband? A Yes, sir.
- Q What is her present name? A She is a Manley now.
- Q Has she already applied? A Yes, sir.
- Q Now the next child? A Josh.
- Q How old is Josh?
- Q How old is Josh? A 33.
- Q Now the next child? A Sam.
- Q How old is Sam?
- Q Now, the next child? A Ella, you get her down with her old man, Ella Wright.
- Q Has she applied yet? A Yes, sir, told me to speak to you about it; she was down with him, Walter Wright, I guess he put his name down.
- Q What is the name of Katie's husband? A Joe Manley.
- Q Which one comes next to Ella? A That is all.

LOUIS D. DANIELS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Louis D. Daniels; age 56; postoffice, Claremore.
- Q How long have you lived in the Cherokee Nation? A All my life, sir.
- Q Are you on the 1880 roll? A Yes, sir.
- Q Do you know this applicant here? A Yes, sir.
- Q Did you know him before the war? A No, sir, I got acquainted with him after the surrender.
- Q Where did you first meet him after the surrender? A In Fort Gibson, sir.
- Q When was that you met him in Fort Gibson? A That was in the summer of '66.
- Q That was the first time you met him was it? A For me to know him.
- Q What were the circumstances of your meeting, were you acquainted with him? A There were eight or ten of us going to go out and hunt some meat and kill some beeves, we was allowed to kill beeves by going to see the Chief and getting a permit, and we come up to Grand river and got an order from Chief Downing to kill some beeves and Bob was in the crowd with me.
- Q This man, Bob? A Yes, sir, there were several of us, there is six living now.
- Q Did he go with you to kill the beeves? A Yes, sir.
- Q And you remember of his being in that party? A Yes, sir, and every man remembers it that is living.
- Q Were there any other times that you have met him? A Yes sir, I have met him since that; after he left Fort Gibson I don't know exactly what time I met him in '68 on Barren Fork; I was going by there to buy some hogs and I stayed all night with him in the Cherokee Nation, about 15 miles the other side of Tahlequah.
- Q Where was he living when you met him in Fort Gibson? A He was staying with his brother, I guess, I didn't ask him.
- Q Where was his brother living? A Right in Fort Gibson, Duds Webber.
- By Mr. Davenport:
- Q Now, Louis, the first time you remember seeing Bob here in the Cherokee Nation from the time you went to get an order from Louis Downing to kill some beeves - ? A I may have seen him before that, but I didn't know it was Bob Webber.

ROBERT WEBBER, the applicant; recalled; By Com'r Bredkinridge.

Q These children you have named are five children are they all the children of your wife, Margaret? A Yes, sir.

Q Were you ever married before you married Margaret? A Yes, sir.

Q Back in old slavery times? A Yes, sir.

Q Was your wife dead? A No, sir, but we are parted, she is right down here now.

Q Your wife, Margaret, had she been married before? A Yes, sir.

Q Had she been parted by the war? A Yes, sir.

FRANK ROSS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Frank Ross.

Q How old are you? A 53.

Q What is your postoffice? A Hayden.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Are you on the roll of 1880? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war came on?

A Yes, sir.

Q Did you know this applicant here, Robert Webber, before the war?

A No, sir.

Q Did you meet him after the war? A Yes, sir.

Q Where and when did you first meet him after the war?

A Met him down here on Pryors Creek.

Q What was he doing down there? A Hunting beeves, cattle.

Q When was that? A In '66, in August.

Q Who were with you? A Louis Daniels and Huse Rogers and Dude Webber and George Ross, that is all I saw; I didn't go down to the camp, I met them out on the prairie.

Q Did you hunt with them? A No, sir, I had been hunting, I was going on home when I met him.

Q Have you seen much of him from that time on? A Yes, sir, I have seen him off and on ever since that time.

Q Has he always continued to live in the Cherokee Nation?

A Yes, sir.

By Mr. Davenport:

Q You didn't leave the Nation did you, Frank, during the war?

A I was out about eight months altogether.

Q When did you return? A '66.

Q What time of the year? A In March.

Q Where were you living at the time the treaty was made?

A I lived down here on Pryors Creek.

Q What place? A Down there, this side of where the railroad crosses.

Q Was there anyone living there at that time? A My owns lived there, my father and mother.

Q Wasn't any improvements there on the farm? A None except what we put there.

Q When did you put them there? A We moved up there in the fall of '66, we moved from the Rider place to Pryors Creek.

Q You moved up there in the fall of '66? A Yes, sir.

Q There were not any improvements there when you moved there?

A No, sir, I was hunting beeves.

Q You had got an order from the Chief to hunt Beeves? A I lived right there by the Chief.

Q Wha Chief? A Downing.

Q That was in August, 1866? A Yes, sir.

Q What time in August, '66? A About the first of August.

Q When did Louis Downing become Chief? A He was only acting chief then, he run the next coming year, because I voted for him; didn't vote for him either, voted for Bill Ross.

Q You remember distinctly it was in 1866? A Yes, sir.

Q Where was Robert Webber living then? A I don't know, he come from down below there

Q You never asked him any questions about that? A No, sir, I know Louis Daniels and all of them and I knew George Ross because we was raised together.

Q That is the George Ross that lives down here about Claremore?
A Yes, sir.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name is Sam Webber is it? A Yes, sir.

Q How old are you? A About 58.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and raised here and come back in '66 here.

Q Are you on the 1880 roll? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.

Q Did you know this man, Robert Webber before the war broke out?
A Yes, sir.

Q To whom did he belong? A Akey Webber, same woman I belonged to.

Q She was a recognized Cherokee citizen was she? A Yes, sir; talked all Cherokee, could not talk any English.

Q Did this man go out with you when the war came up?
A No, sir, I found him with the Pin Indians. When they pulled up

and went north I found him with them when they went there.

Q Where was that? A That was somewheres near on the line, Arkansas line, where I found him when I went to him.

Q When was that? A That was ~~somewheres~~ along sometime near the war commenced.

Q He was with the Pins? A Yes, sir, when I seen him.

Q What did you see of him after that? A He was taken prisoner and was taken off and I didn't see him any more; his wife come to Kansas and said they come and got him at their house one night and I never seen him any more.

Q His wife came to your house? A Come to the soldiers' quarters.

Q Who did she say took him? A The Bushwhackers.

Q And they took him north? A No, sir, taken him south what she said.

Q And you don't know what they did with him down there? A No sir.

Q When did you see him after the war? A I saw him here along after the war when I lived up here he come up to see us.

Q That was two or three years after you got back? A Yes, sir.

Q When did you get back? A '66.

Q And that was '69 or '69? A Yes, sir, somewheres along there.

By Mr. Davenport:

Q Sam, what became of Bob's wife after she came up to the Soldiers' camp? A She stayed there and went to Bigson.

Q Where were you camped at that time? A Over here about, I can't think of the name of the place, over here in Arkansas.

Q Now, what year was that? A That was along, the war run a little while.

Q Fighting was going on then? A Yes, sir.

ROBERT WEBBER, the applicant, recalled; By Com'r Breckinridge:

Q What is this about your being with the Pin Indians? A I was a soldier.

Q Soldier in the army? A Yes, sir.

Q And you were captured were you? A Yes, sir.

Q And what did they do with you? A They took me to Texas.

Q You didn't go down to Texas with your Mistress, Akey Webber?

A No, sir, she was dead.

Q When did she die? A She died in '61.

Q Who did you belong to after your Mistress died? A I belonged to nobody, you see she died in '61 and I was still on the place.

- Q You don't know who claimed you at that time? A No, sir.
- Q Who had charge of the place? A Her son, Robin Webber.
- Q Well, did you recognize his authority? A Oh, yes.
- Q Well then when they took you down to Texas what did you do?
- A I drove teams.
- Q For whom? A The Southern Government.
- Q Did you find this woman down there? A Yes, sir.
- Q Did you find any of your people down there?
- A Found Charley Webber, son of Akey.
- Q Were you hired out to the Southern Government? A Yes, sir.
- Q Who did the hire? A Charley Webber I suppose.
- Q What did you have to do with Webber at that time?
- A They took me there and hauled and he was working for the Government.
- Q What did this young Webber have to do with it? A The war was nearly over and he said I could just stay there.
- Q Was he living in Gunter's neighborhood? A No, sir, he heard of me later and come over after me.
- Q Then you married this woman that belonged to Gunter? A Yes, sir.
- Q This woman Margaret? A Yes, sir.
- Q And went on up to Gunter in Benton County? A Yes, sir.
- Q Now, when you first came back from Texas you went to Benton County? A Yes, sir.
- Q And then from Benton County where did you go? A To the Cherokee Nation.
- Q Whereabouts? A On the Barren Fork.
- Q How far to the mouth of Barren Fork? A It must be about ten or 12 miles above.
- Q Well how long after you got there to Barren Fork was it before you ever had an occasion to go down to Fort Gibson?
- A I don't know, sir, how long I stayed at Barren Fork before I went to Fort Gibson.
- Q What neighbors did you have down there? A Duge Gunter and Wooten Eboney.
- Q Is that the time you got with Louis Daniels? A Yes, sir.
- Q Did you go on that cattle hunt with them? A Yes, sir.
- Q After that where did you go? A I went back to Barren Fork.
- Q How long did you live there? A About four years.
- By Mr. Davenport:
- Q Bob, in giving your testimony a while ago how did it happen that you didn't say anything about being taken by the soldiers south?
- A You asked me how I got down there as I know of.
- Q Didn't I ask you if you didn't go down there with Caldine Gunter and family? A Yes, sir.
- Q Didn't you tell me on cross-examination that you had married this girl before you went south? A No, sir.
- Q And didn't you tell me that you lived; that Gunter lived about 35 or 40 miles from where Webbers lived and that Gunter lived in Arkansas and that you lived in Tahlequah? A Yes, sir.
- Q How many children has your wife got? A Yes, sir.
- Q How old is your eldest child? A 31.
- Q What time did you go to Texas when the soldiers took you there?
- A I don't know.
- Q When did you and your wife marry? A Shortly after we got there.
- Q How about the war, was it over? A No, sir, the war was going on.
- By Com'r Breckinridge:
- Q Who was Caldine Gunter's wife? A She was a Ward.
- Q Was she a Cherokee? A Yes, sir.
- Q Was Gunter himself a Cherokee? A No, sir.
- Q Where is Nancy Gunter living now? A She is living here.
- Q Where? A In Benton County.
- Q Has she lived there ever since the war? A I guess so.
- Q You never heard of her coming back?
- A No, sir, I never heard of her since

Com'r Breckinridge: The applicant applies for the enrollment of himself and wife. The applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. It appears that he was a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the Civil War. He was taken to the State of Texas and it is quite satisfactorily established that he returned to the Cherokee Nation in the year 1866, and that he has lived in the Cherokee Nation ever since. He states that he applied to the ~~Cherokee~~ ~~Nation~~ ~~Chambers~~ Court and at one part of his testimony he said that they deferred his case and decided in his absence and in another part of his testimony he said that he was told by the Court that he was rejected at that time because he had returned too late after the war. By this as it may the present testimony given by witnesses who are considered credible indicates that he did return within the time required by the treaty of 1866 and no real valid objection is seen at this time to his enrollment, but inasmuch as he was omitted from the roll of 1880, and for the further consideration by the full Commission of the conditions stated, he will at present be listed for enrollment as a Cherokee Freedman on a Doubtful card and the final decision of the Commission will be made known to him at his postoffice address.

As for his wife; she is identified on the Kern-Clifton roll, and her Mistress, Nancy Ward, is appears was a Cherokee woman prior to the war she was married to one Caldine Gunter who lived in Benton County, Arkansas, and she was there residing with her husband, and the applicant's wife was living with them in the State of Arkansas prior to the breaking out of the Civil War. She was taken to the State of Texas where she met the applicant and they were married and after the war she returned to Benton County, Arkansas, her husband going with her, and he alleges that prior to the time he has been shown to have been at Fort Gibson in the year 1866, he had brought his wife to the Barren Fork of the Illinois River in the Cherokee Nation and that they had there located.

Q Has your wife lived in the Cherokee Nation ever since you brought her after the war? A Yes sir.

The weight of the testimony at present is that his wife by reason of the change of ownership that she underwent prior to the war and that was maintained in her case during the war, was not in a position to avail herself of the rights of Freedmen arising under the treaty of 1866. It may be, but it is not so at present, that Gunter and his wife were subsequently readmitted to Cherokee citizenship, but a decided weight of the testimony is that the wife of Caldine Gunter never regained citizenship in the Cherokee Nation after taking up her residence in the State of Arkansas prior to the Civil War. Therefore, under those conditions there appears at present really no valid reason to justify the enrollment of the applicant's wife, Margaret, but for the further consideration of her case, as stated, she will not be listed for enrollment as a Cherokee Freedman on a doubtful card; but the applicant has five children enumerated in the testimony all of whom have now reached their majority and whose rights perhaps depend primarily upon the status of the applicant and his wife. Now, it seems from the testimony that both the applicant and his wife were married previous to their marriage but that he was separated by the war and under the operation of the insti

tution of slavery from his wife, and she was similarly separated from her first husband and that under those conditions they contracted marriage in the State of Texas while the war was going on. It is not considered that the strict meaning of the laws of marriage are applicable to people as the applicant and his wife at that time, and it is believed at present that the marriage contracted by him and his wife, Margaret, during the war and maintained continuously from that time until now is a valid marriage, and that these children should be considered the lawful children of the applicant and his wife and that they should enjoy, in the absence of any testimony to the contrary, all the rights that may be finally established for the applicant himself.

SUPPLEMENTAL INTERROGATORIES by Com'r Breckinridge: The APPLICANT recalled:

- Q Are these children all the children of your wife, Margaret?
A Yes, sir.
Q How many of them were born in Texas, any of them? A The oldest one was born in Texas before we left.
A Frank? A Yes, sir.
Q And then Frank is older than you think he is? A That is what I call him, what I think he is.
Q But he was born in Texas? A Yes, sir.
Q Did Frank come with you and your wife? A Yes, sir.
Q Come with you over to Barren Fork? A Yes, sir.
Q Now, these other children were they all born in the Cherokee Nation? A Yes, sir.
Q Have they always lived in the Cherokee Nation? A Yes, sir.

Mr. Davenport: The representatives of the Cherokee Nation protest against the enrollment of his wife, Margaret, for the reason that Cherokee card #422 gives the testimony of Nancy Gunter in full, who was alleged to have been the owner of the wife of the applicant at the time the war broke out, which testimony shows the continued residence of Nancy Gunter in the State of Arkansas for years up to and including the date of the giving of the testimony which was on the 25th day of September, 1900.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson
Subscribed and sworn to before me this 21st day of June, 1901.
Signed, T. B. Needles,
Commissioner.

Supplemental: Cherokee Freedman doubtful 630.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Robert Webber for the enrollment of himself as a Cherokee Freedman: being sworn and attested by Com'r Henry Breckinridge, as verified by the following:

Mr. Mallette, of Mallette & Smith, for applicant:

Mr. Hastings, for the Cherokee Nation.

- Q Give me your name? A Robert Webber.
- Q How old are you? A 36.
- Q Are you the husband of Margaret Webber? A Yes sir.
- Q You applied here a few days ago? A Yes sir.
- By Mr. Hastings:
- Q Who did you give as your owner? A Old Akey Webber.
- Q Did you belong to Akey Webber at the time the war come up? A Yes sir.
- Q You know Jim Tittle at Vinita? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q Did you know his father, Daniel Tittle before the war? A No sir.
- Q When did you become acquainted with Daniel Tittle? A After I was taken prisoner.
- Q Who brought you back to this country? A I come with Mr. Gunter, as far as this place.
- Mr. Mellette:
- Q What Gunter was that? A Caldeen Gunter.
- By Mr. Hastings:
- Q Where did Caldeen Gunter live? A He lived up there at Siloam Springs, I guess that's the place.
- Q Arkansas? A Yes sir.
- Q You never belonged to Daniel Tittle before the war? A No sir.
- Q You never returned with him after the war? A No sir.
- Q Did you ever work for him? A I worked for him a little while.
- Q Before or after the war? A After the war.
- Q How long after the war? A In the spring of '66.
- Q Jim Tittle was at home at that time? A Yes sir.
- Q And he knows about it? A Yes sir.
- By Mr. Mellette:
- Q How close to the line did you come with old man Gunter? A It couldn't have been more than a mile, I guess from his house to the line.
- Q Siloam Springs is right on the Cherokee line? A Yes sir.
- Q Is Caldeen Gunter the father of John Gunter here at Vinita? A Yes sir.
- Q John Gunter is a recognized citizen of the Cherokee Nation? A Yes sir. They says they has recognized him. He told me he was admitted too, and one of his sisters.
- Q Mr. Hastings:
- Q Was admitted? A Yes, sir, at this court.

Com'r Breckinridge: This will be added as additional testimony to Freedman Doubtful card 630.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this June 20, 1901.

Signed, T. B. Needles

Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this the 15th of August, 1901.

Commissioner.

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Subscribed and sworn to before me this October 4th, 1901.

[Handwritten signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
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ACTING CHAIRMAN

File with case of Frank Webster, et al., U. S. -D.#680.

Supl.C.F.-D.#564.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SIDNEY WEST as a Cherokee Freedman; introduced on the part of
Applicant:

APPEARANCES:

Mr. J. E. Sequichie, Agent for Applicant;
Mr. W. L. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles,
testified as follows on behalf of Applicant:

- Q. MR. SEQUICHIE: What is your name? A. John C. West.
- Q. Post office? A. Muskogee.
- Q. Your age? A. 59.
- Q. Mr. West, do you know a Cherokee Freedman, applicant, by the name of Sidney West? A. Yes, sir.
- Q. Did she belong to you or your family some way? A. Yes, sir, she belonged to father.
- Q. Do you remember what time, whether before the war or after the war, she left the Cherokee Nation? A. She left the Cherokee Nation in about '63.
- Q. You remember that year she came back? A. No, sir.
- Q. Did you ever hear of her any more after she left here? (Question objected to by Mr. Hastings.)
- Q. Do you know when she came back to the Cherokee Nation? A. No, sir, I don't.
- Q. Did you see her at any time while she was away? A. Yes, she was with the family.
- Q. Where? A. From '63 until about '65 I guess.
- Q. Where was that? A. Down in the Chickasaw and Choctaw Nation, down on Red river.
- Q. In the Indian Territory? A. Yes, sir.
- Q. To about what year was she in the family? A. As well as I remember about '65.
- Q. Do you know where she went then? A. No, sir, I don't.
- Q. Did you ever see her in the Cherokee Nation after that? A. No, sir, I don't believe I ever did.
- Q. Never seen her? A. No, sir.
- Q. MR. HASTINGS: Where do you live, in what district? A. Canadian.
- Q. How long have you lived there? A. I have lived there since '60.
- Q. How wide across east and west is Canadian district? A. I suppose it is about 32 miles, east and west.
- Q. How far north and south? A. About the same distance.
- Q. You have been sheriff of your district? A. Yes, sir.
- Q. You have lived there ever since the war? A. Yes, sir.
- Q. Been on the Police force? A. Yes, sir.
- Q. MR. NEEDLES: You say Sidney West during the war went to the Chickasaw Nation? A. Choctaw Nation, she went down there with the family.
- Q. She didn't go any farther south than the Choctaw Nation? A. No, sir.
- Q. And the last you saw her was in the Choctaw Nation in '65? A. Yes, sir.

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J. O. Bosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Bosson

Supl. C. F. D. 7564. ---2.

Subscribed and sworn to before me this October 4th, 1901.

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Commissioner.

File with case of Frank Webber, et al., C.F.-D.#680.

Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced on part
of Cherokee Nation:

APPEARANCES:

Mr. Smith of Counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Eliza Chandler.

Q Where do you live, Mrs. Chadler? A In Vinita.

Q How old are you? A 54.

Q Where were you living at the breaking out of the war?

A Arkansas.

Q Did you leave the State of Arkansas during the war and your
family? A Yes, sir.

Q Your father, what was his first name? A Caldine Gunter.

Q Did your father own any slaves at the breaking out of the war?

A Yes, sir.

Q Do you know whether or not he owned a woman by the name of Mar-
garet? A Yes, sir.

Q Do you know who she afterwards married and lived with as his
wife? A Yes, sir.

Q Whom did she live with Mrs. Chandler? A Bob Webber, he goes
by that name.

Q Do you know what became of Margaret during the war? A Yes, sir.

Q Where did she go? A We carried her to Texas with us.

Q Well, after the close of the war what became of her? A We
brought her back to Arkansas.

Q You got back to Arkansas in what year? A In '65.

Q How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A She only stayed a little
while; they moved up on Butler's creek.

Q Butler's creek, Territory or Arkansas? A Arkansas, at Mr.
Tittles.

Q Do you know what Mr. Tittles first name was? A Dan.

Q Did you know Bob Webber before the war? A No, sir, I first
seen him in Texas.

Q And he came down there while you were in Texas? A Yes, sir.

Q Did he come back with you and your family? A Yes, sir.

Q Was he with Margaret when they moved up on Butler's creek in
Arkansas? A Yes, sir.

Q About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A It was in the winter of '65.

Q Now, Margaret as I understand was owned by your father at the
breaking out of the war? A Yes, sir.

Q You don't know of your own knowledge who owned Bob? A No, sir.

Q Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A No, sir.

Q They weren't citizens when they returned from the south, were
they? A No, sir.

MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian,
was she not? A Yes, sir.

Q She was readmitted to citizenship here I understood you to say
here in another case? A Yes, sir.

- Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November, I won't be positive.
- Q Not sure? A No, sir.
- Q Well, none of your family owned Robert Webber? A No, sir.
- Q Did you know anything about him before the war? A No, sir, did not.
- Q You say after the war he was married to a woman named Margaret? A It was in time of the war that they come to our house in Texas.
- Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife there, were they? A Yes, sir, after we come back.
- Q Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went that winter some time.
- Q You mean the winter in the year you returned? A Yes, sir.
- Q That was in '65? A Yes.
- Q How far from that place where they went to from where you lived? A About 25 miles.
- Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.
- Q Lived right on the line? A Yes, sir.
- Q You don't know of your own knowledge where Robert Webber was during the year 1866? A Well, he made a crop up there on Butler's creek and then he moved back that summer down to Pa's, and then he come down here in the Nation, or said he was coming and left his family there at our place until in the fall and then he come back and moved them down in the Nation, I reckon. I have seen her here since I have been in the Nation.
- Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir.
- Q They were free then? A Yes, sir.
- Q They could go wherever they wanted to? A Yes, sir.
- Q and they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.
- Q Now you can't state of your own knowledge either when Robert Webber or his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.

JOHN T. GUNTER, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A John T. Gunter.
- Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.
- Q How old are you? A 46.
- Q Where were you living at the time war broke out? A Living in Benton County, Arkansas.
- Q Your father's name was Caldine Gunter? A Yes, sir.
- Q Did your father own a slave, a woman, at that time by the name of Margaret? A Yes, sir.
- Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a man named Adam.
- Q What became of Margaret during the war, if you know, Mr. Gunter? A My father took her to Texas.
- Q How long did she stay there? A Until 1865 when we returned to Arkansas.
- Q Did you have her and the fellow by the name of Bob Webber? A Yes, sir.
- Q Did he and Margaret live together as man and wife? A Yes, sir.
- Q Where did you first see Webber? A Hopkins County, Texas.
- Q How long did he stay there? A He stayed there until '65, drove a team back for my father.
- Q To what point did you come? A Benton County, Arkansas.

- Q Were your family citizens of the Cherokee Nation at that time?
A No, sir.
- Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.
- Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Dan Tittler near Sulpher Springs.
- Q What place? A Benton County, Arkansas.
- Q Do you know how long they stayed there? A They went there in the winter of '65 and stayed until the fall of '66, made a crop at Dan Tittles; I don't know whether they made a crop or not.
- Q Well, what became of them then? A Along in the fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old smoke house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone, quite a while, I don't know where he was, here in the Territory somewhere he said he was going.
- Q That was the winter of '66? A Yes, sir.
- Q What took place after that? A In the spring of '67, he moved his family here.
- Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.
- Q You don't know anything about him, about as to who he belonged to?
A Only what he told me; he said he belonged to the Webbers.
- Q Margaret belonged to your father? A Yes, sir.
- MR. SMITH: What Webber did he say he belonged to? A I don't know.
- Q Was there an Akey webber? A I don't know of her.
- Q You weren't acquainted with her? A No, sir.
- Q You weren't in the Cherokee Nation before the war? A No, sir.
- Q Didn't live here? A No, sir.
- Q Now, you say, Mr. Gunter, Bob Webber, this applicant moved his family into the Territory in the spring of '67? A Yes, sir, in the spring of '67.
- Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.
- Q You can't be positive as to the month? A No, sir.
- Q Was it as early as first of the year, '67? A No, sir, grass was up, cattle was grazing on the grass, and the reason I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and got her off of the grass; it was a young calf, he took them with him.
- Q Robert Webber had made preparations to made to the Cherokee Nation before that? A I think he went to George Roach's on Barron Farm before that.
- Q That was in the winter of '66? A Yes, sir, at least he was gone quite a while.
- Q That is where he said he was going? A That is where he said he was going.
- Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.
- Q That was in what year? A 1880.
- Q This woman, Margaret, that used to belong to your father was this man's wife? A Yes, sir, lived with her.
- Q This man you speak of her having been with that was in Slavery times? A Yes, sir.
- Q What became of Adams? A He went to Kansas I was told.
- Q Who did Adams belong to? A Belonged to my father.
- Q Why didn't he go with your father? A He went away before we refueed.
- Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them lives up here at Fort Scott.

Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?

A Yes, sir.

Q No marriage about it? A No, sir.

Q They were separated from each other by the exigencies of war?

A Yes, sir.

Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.

Q You never seen him? A No, sir.

Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he come with Dan Tittles and Jim.

Q Do you know whether the Pin Indians ever got him or not? A No, sir.

Q Did you ever hear? A No, sir, I heard Dan Tittles bought him and took him to Texas; the Pin Indians didn't come that way.

Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.

Q All you know about Robert we bber is that he came to Texas?

A No, sir.

Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.

Q And you say she was brought up in the Cherokee Nation?

A Yes, sir, she was born and raised in the Cherokee Nation.

Q Was she in the Cherokee Nation when she married? A Married just across the line.

Q Living in the Cherokee nation when she married? A Yes, sir.

Q And when she married your father went across the line of Arkansas to live? A Yes, sir.

Q During the time of the war did she claim to be a Cherokee Indian?

A Yes, sir.

Q Draw money? A Drew money in '53 I believe it was.

Q What money was that? A Old settler money.

Q Did she exercise any other rights of did any of your family before the war? A No, sir.

Q You didn't live in the Cherokee Nation? A No, sir; never except her mother and brothers and sisters, none of our immediate family.

Q But in the year 1830 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.

Q Mr. Gunter, can you state whether there were many or few of these Acts of Admi ssion? A Admitting people to citizenship?

Q Yes? A Yes, sir, there were a great many.

Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.

Q That is she stated she had forfeited it, you don't know whether she forfeited or not? A That is her understanding.

MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.

Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.

Q Your father was not a citizen of the Cherokee Nation?


A No, sir.

MR. NEEDLES: What was your father's property was your mother's

A I don't know.

Com'r Needles: This testimony will be made part of the case at bar and made part of the record in D.# 3, D.#628, D.#691, and D.#680.

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this October 19th, 1901.



Commissioner.

File with case of Frank Webber, et al., C.F.-D.4500.

Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER as a Cherokee Freedman: Introduced on part of the
Cherokee Nation:

APPEARANCES:

Mellette & Smith, Attorneys for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. M. Tittle.

- Q What is your post office? A Vinita.
- Q How old are you? A 55
- Q Do you know Robert webber, the applicant in this case?
- A Yes, sir
- Q How long have you known him? A Ever since about '63, '52 or '3
- Q Did he ever be long to any of your family? A He belonged to my father.
- Q Where did your father live? A He lived in Benton County, Arkansas.
- Q Did your father move away from Benton County, Arkansas?
- A No, sir..
- Q Did they go south during the war any of your family, or do you know? A My family stayed there, but we went south.
- Q Well, what became of Bob during the war, if you know?
- A We taken him south.
- Q Well, did he come back? A Yes, sir.
- Q Where did he go to? A Come up to our place.
- Q Where was that? A In Benton County, Arkansas.
- Q How long did he stay there with you? A He come there in the fall of '65 and stayed until the fall of '66.
- Q At that time where was your family residing? A In Benton County, Arkansas.
- Q How long had they been residing in Arkansas? A About 15 years.
- Q Were they or were they not recognized citizens of the Cherokee Nation? A Not then, we was outside of the Cherokee Nation then
- Q Well, after the close of the war you say you returned back to your old home place, in Benton County, Arkansas? A Yes, sir.
- Q Did you ever move back to the Cherokee Nation? A Yes, sir.
- Q What year did you move back? A We come back in '67.
- Q Were they recognized citizens of the Cherokee Nation or was there some action taken to the establishing of right? A We had to establish a right; my father was admitted and remarried after he came back to the Cherokee Nation.
- Q Was it your father had the Cherokee blood or mother? A Mother.
- COM'R NEEDLES: She was readmitted in 1867? A Yes, sir.
- MR. DAVENPORT: Did your father marry again? A Yes, sir; he married and went out and come back and married again.
- Q Do you mean he was married twice according to the laws of the Cherokee Nation? A He married and went off and come back and married again.
- MR. SMITH: Where did your father marry first? A In the Cherokee Nation.
- Q Married according to the Cherokee laws then? A Yes, sir.
- Q Now, what year was that? A That was, that would be in '55 I guess it would be.
- Q About what year? A About 56 years ago, I would have to count it

- up; it was in '46.
- Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.
- Q Now, then, when he married he was a citizen? A Yes, sir.
- Q How long did he continue to live in the Cherokee Nation?
- A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.
- Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old settler payment.
- Q Your family ~~all~~ drew money in the old Settler's payment?
- A Yes, sir.
- Q In what year was that? A I think that was in '52; '1 or '2.
- Q How long after that was it before you went into Arkansas?
- A Right away after that.
- Q How many years? A Oh, I guess probably inside of a year or such matter.
- Q Where did you live in Arkansas? A Benton County.
- Q How far from the line? A What line, Arkansas line or Missouri Line.
- Q The Cherokee Nation line? A It was about ten miles from Cherokee line and three miles from Missouri line.
- Q What was your father's name? A Dan Tittle.
- Q Who did your father get this man from? A Fellow by the name of John Grinnett.
- Q When did he get him? A About '62.
- Q Where did he get him from? A Down here about Mayesville.
- Q Who is Grinnett? A He is said to be the oner of Bob, who he bought him from.
- Q Where did Grinnett live? A He lived down there in the Nation somewhere.
- Q He was a Cherokee, Grinnett was? A I don't know whether he was or not.
- Q Did you ever know Grinnetts? A No, sir.
- Q Well, do you know what date it was that he bought this man?
- A I think it was in '62 I think.
- Q It was after the war had commenced? A Yes, sir.
- Q It might have been in '63? A It was in '62. somewheres along there as well as I remember about it.
- Q You think it could not have been as late as 1854? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas river and come back there and found Grinnett and bought him.
- Q It was either in '62 or '3 your father bought him? A Yes, sir.
- Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.
- Q Do you know who he had been captured from? A Only what he said; he said he belonged to as well as I remember, he belonged to Mrs. Webber, and Mrs. Grinnett was ~~exactly~~ daughter of Mrs. Webber.
- Q What was Webber's name? A I don't know.
- Q Did you ever know an Akey webber? A No, sir.
- Q Akey Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.
- Q Now, you claim that your father owned this man in '62 or 'w?
- A Tes, sir.
- Q Where did he own him? A Benton County, Arkansas.
- Q Who lived near him when he owned him? A In the settlement there?
- Q Yes. A The nearest fellow in the neighborhood was a man by the names of Wells, and Thomas
- Q Are they living there now? A I guess they are all dead now.
- Q Does anybody but you know that your father owned this man?
- A Yes, sir.
- Q Who? A Will Thompson, living at Bentonville, Arkansas, and

Eph Thompson that lived on Butler's creek where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '66.

Q Well, it was a man named Grimmett that your father underook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grimmett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: As I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And when did he come back to the Cherokee Nation?

A He come back in '67.

Q And was re-admitted? A Yes, sir.

Q And this darkey was not with him then? A No, sir.

MR. SMITH: Now, Mr. Tittle, you lived in Arkansas after you went out after the old settler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they jopt hunting him.

COM'R NEEDLES: He refugeed over there? A Yes, sir, he stood his trial and come clear.

Q Where did he stand his trial? A Right on the line right close to High Cose at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the state? A Killed an Indian in the State and tried him right at the place he killed him.

Q When he killed the Indian he was living in the Cherokee Nation?

A No, sir, he was living in the State; right within a quarter of where he killed him; but I had been born in the Nation.

MR. SMITH: What Court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a Court there? A I don't know; they tried him at Cal Gunter's right on the edge of Lindsey's prairie.

Q It is the regular Circuit Court in Benton County, Arkansas, tried him? A I could not tell you; they come there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a court of the State of Arkansas?

A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time?

A I can't tell you anything about that, that waw where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee Nation? A He was not at that time was tried because he was living in the state of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

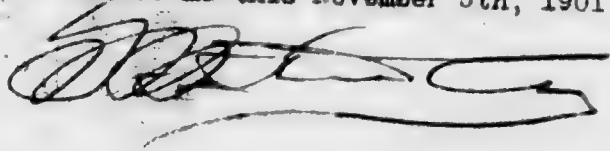
MR. DAVEPORT: This was a trial before a Justice of the Peace? A I don't know, they had a trial and he come clear; I was a small boy, about five years old; there was about three hundred men with him and the Indians had gathered five or six hundred with them, and he was tried right there at the line.

Com'r Needles: This will be made part of the record in the case at bar, and also D-628, D-663, D-691, D-680.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T. July 14, 1904.

In the matter of the application of Frank Webber for the enrollment of himself, his wife, Susie, and children, Julia and Samuel Webber, as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY.

ISAAC WHITMIRE, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Isaac Whitmire.
Q How old are you? A Be 24, the 19th of January.
Q What is your post office? A Hayden.
Q You are a Cherokee Freedman are you? A Yes sir.
Q Are you married? A Yes sir.
Q Have you married since you were enrolled? A Yes sir.
Q What is your wife named? A Susie.
Q What was her name before you married her? A Susie Webber.
Q Was she formerly the wife of Frank Webber? A Yes sir.
Q When did they separate? A He died the 13th day of June, 1901.
I think I have it right, I am not positive.
Q When were you and Susie married? A 21st day of April, 1903.
Q Are you and she living together now? A Yes sir.
Q She is living is she? A Yes sir.

Mary B. Risser, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case and that the foregoing is a true and correct transcript of her stenographic notes therein.

Subscribed and sworn to before me
this 15th day of July, 1904.

Mary B. Risser

J. Risser

Notary Public.

F. D. 680.

32

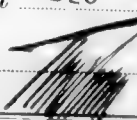
IN RE
THE DEATH OF

Samuel Hebbler

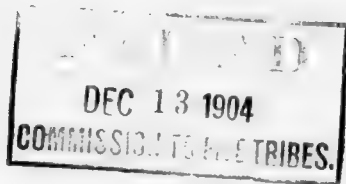
a citizen of the

Cherokee Nation.

Approved DEC 13 1904 190



Commissioner



DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Samuel Webber
a citizen of the Cherokee Nation, who formerly resided at or near
Hayden, Ind. Ter., and died on the 17th day of
August, 1903

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District,
I, Susie Whitman, on oath state that I am 26
years of age and a citizen, by Ferdman F.D. of the Cherokee Nation;
that my post office address is Hayden, Ind. Ter.; that I am
Mother of Frank Webber
who was a citizen by Ferdman F.D. of the Cherokee Nation;
and that said Samuel Webber died on the 17 day of
August, 1903

WITNESSES TO MARK

isaac whitman

(Must be Two Witnesses)

Subscribed and sworn to before me this 26 day of September 1904

My Commission Expires Mar. 3, 1908

Frank L. Hill, Notary Public

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District,
I, Isaac Whitman, on oath state that I am 24
years of age, and a citizen, by Ferdman F.D. of the Cherokee Nation;
that my post office address is Hayden, Ind. Ter.;
that I was personally acquainted with Samuel Whitman
who was a citizen by Ferdman F.D. of the Cherokee Nation;
and that said Samuel Webber died on the 17 day of
August, 1903

WITNESSES TO MARK

susie whitman

(Must be Two Witnesses)

Subscribed and sworn to before me this 26th day of September 1904

My Commission Expires Mar. 3, 1908

Frank L. Hill, Notary Public

IN RE
THE DEATH OF

Frank Webber

a citizen of the

CHEROKEE

Nation.

Approved Oct. 15, 1904

T. B. Needles

~~XXXXXXXX~~

T. B. Needles

Commissioner in Charge.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the death of Frank Webber
(Here insert name of deceased.)
a citizen of the CHEROKEE Nation, who formerly resided at or near
Hayden
(Here insert name of postoffice), Ind. Ter., and died on the 13th day of
June, 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
NORTHERN DISTRICT. }

I, Susie Whitmire, on oath state that I am 26
years of age and a citizen, by Freedman Doubtful of the Cherokee Nation;
that my postoffice address is Hayden, Ind. Ter.; that I am
wife of Frank Webber
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Freedman F. D., of the Cherokee Nation;
and that said Frank Webber died on the 13th day of
June, 1901

WITNESSES TO MARK :

Susie Whitmire

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 26 day of September 1904.
My Commission Expires Mar. 3, 1908. Frank L Hill
(SEAL) Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
NORTHERN DISTRICT. }

I, Isaac Whitmire, on oath state that I am 24
years of age, and a citizen by Freedman of the Cherokee Nation;
that my postoffice address is Hayden, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with Frank Webber
(Here insert name of deceased.)
who was a citizen, by Freedman F. D., of the Cherokee Nation;
and that said Frank Webber died on the 13 day of
June, 1901

WITNESSES TO MARK :

Isaac whitmire

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 26th day of September 1904.
My Commissioner Expires Mar. 3, 1908. Frank L. Hill
(SEAL) Notary Public.

95-680

32

IN RE

THE DEATH OF

Samuel Hebbert

a citizen of the

Cherokee Nation.

Approved DEC 13 1904 190

[Signature]
Commissioner

DEC 13 1904
COMMISSION TO FIVE TRIBES.

COMMISSION TO FIVE TRIBES.
DEC 13 1904

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COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Samuel Webber
a citizen of the Cherokee Nation, who formerly resided at or near
Hayden, Ind. Ter., and died on the 17th day of
August, 1903.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Susie Whitmire, on oath state that I am 26
years of age and a citizen, by adoption of the Cherokee Nation;
that my post office address is Hayden Ind. Ter.; that I am
mother of Samuel Webber
who was a citizen, by adoption of the Cherokee Nation;
and that said Samuel Webber died on the 17th day of
August, 1903.

WITNESSES TO MARK:

(Must be Two Witnesses)

Susie Whitmire

Subscribed and sworn to before me this 24 day of Oct 1904

John Muddert Jr Notary Public

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Isaac Whitmire, on oath state that I am 24
years of age, and a citizen, by adoption of the Cherokee Nation;
that my post office address is Hayden Ind. Ter.;
that I was personally acquainted with Samuel Webber
who was a citizen by adoption of the Cherokee Nation;
and that said Samuel Webber died on the 17th day of
August, 1903.

WITNESSES TO MARK:

(Must be Two Witnesses)

Isaac Whitmire

Subscribed and sworn to before me this 24 day of Oct 1904

John Muddert Jr Notary Public

A. F. Mc.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of---

Etta Manley et al.,	Cherokee Freedmen D-353,
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-435,
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-554,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire) et al.	Cherokee Freedmen D-680,
Kliza Rogers,	Cherokee Freedmen D-950.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonso, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children Lewis, Jr., Cora, Floyd and Baulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Kvaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Weigs, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tossie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 83, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866 and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman, and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber

and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alense Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Toms Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 5 1905.

R

Y. L. R. D.

1880

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-680.

Muskogee, Indian Territory, September 11, 1903.

J. R. Sequichie,
Agent for Frank Webber, et al.,
Chelsea, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Frank Webber, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence in the Cherokee Nation of the said Frank Webber.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-680.

Muskogee, Indian Territory, September 11, 1903.

Frank Webber,

Hayden, Indian Territory.

Dear Sir:

In the matter of the application for your enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to your residence in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-680.

Muskogee, Indian Territory, September 9, 1904.

Fusie Whitmire,

Hayden, Indian Territory.

Dear Madam:

The Commission has information that Frank Webber, for whose enrollment as a citizen of the Cherokee Nation you made application to this Commission, has died since the date of that application.

There is herewith enclosed a blank form of death affidavit, and if the Commission's information is correct you are requested to have same properly executed and forward to the Commission at the earliest possible date, in order that the death of said Frank Webber may be shown upon the Commission's records.

Respectfully,

Encl. 1 D. A.

Chairman.

COPY.

, Cherokee Freedman
D-680.

Muskogee, Indian Territory, October 14, 1904.

Susie Whitmire,

Payden, Indian Territory.

Dear madam:

The Commission is in receipt of an affidavit executed by you on September 26, 1904, showing the death of your son, Samuel Webber, on August 18, 1903.

In reply you are advised that the affidavit which should have been signed by you bears the name of Isaac Whitmire and the one which should have been signed by Isaac Whitmire is signed by yourself. You are further advised that the name of Samuel Webber appears in one part of the affidavit and in another part reference is made to the same party as Samuel Whitmire.

There is enclosed herewith another blank form of death affidavit, partially filled out, which you are to have properly executed and returned to the Commission in the enclosed penalty envelope. You are requested to give this matter immediate attention.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 680

Muskogee, Indian Territory, October 28, 1904.

Susie Whitmire,
Hayden, Indian Territory.

Dear Madam:

The Commission is in receipt of an affidavit executed by you on October 24, 1904, showing the death on August 17, 1903, of your son, Samuel Webber.

The same being in due form will be filed with, and made a part of the record in this case.

Respectfully,

T. J. ...
Chairman.

COPY.

Cherokee Freedmen
D-363, et al.

Muskogee, Indian Territory, January 5, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1905, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Nannie Chatman, Evaline Jimison, Henry Caesar and Eliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

-2-

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Encl. K-8.

COPY.

Cherokee Freedman
D-680.

Muskogee, Indian Territory, January 26, 1905.

Susie Whitmire,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, dismissing the application for the enrollment of your former husband, Frank Webber, and granting, among others, the application for the enrollment of yourself and your minor children, Julia and Samuel Webber, as Cherokee freedmen. There has heretofore been furnished your former agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. I-15.

Register.

(SIGNED)

Tame Bixby.
Chairman.

Cherokee Freedmen
D-353 et al.

Muskogee, Indian Territory, January 26, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 8, 1908, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Susie Whitacre; Kate, Ida, Frank, Sarah, Tola, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Wennie Chatsman; Evaline Jimison, Henry Caesar, and Eliza Rogers, and rejecting the applications for the enrollment of Etta, Alonzo, Freddie, Waynard, Howard, Yessie, Harvey, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

SIGNED: *Tame Bibby*
Chairman.

Encl. 1-19.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-680.

Muskogee, Indian Territory, March 16, 1905.

Isaac Whitmire,
Hayden, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 13, 1905, relative to the enrollment of your wife, Susie Whitmire, as a Cherokee Freedman.

In reply, you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered, you will be furnished with a copy.

You are further advised that your said wife will not be permitted to make an allotment selection until her name has been placed upon a final schedule of Freedmen, and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

LAND:
3564-1905.
14910-1905.

WASHINGTON.

March 31, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 21, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Wanda Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tossie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Mannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1880 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitmire, Sam and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1865 and have continuously resided in the Cherokee Nation since birth.

The minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, ^WWaynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitire are children of the said Sidney West, were born since 1886 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison,

Henry Caesar, James, Julia and Hannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1880 and have continuously lived with their mothers sence birth.

The record shows that the applicant, Frank Webber, died June 13, 1901.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. N. H.
V.

Y.P.

-COPY-

DEPARTMENT OF THE INTERIOR,

D.O. 1106
I.T.P. 3-43,4576, 3-1905
745, 8203, 805-
3344, 8907-
10611, 12-06-

WASHINGTON.

1906.

May 21, 1906.

U.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 23, 1906, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 8, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonso Manley, Harvey Manley, Freddie Manley, Raymond Manley, Howard Manley and Tossie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitwire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Casar, Jim Chatman, Julia Chatman, Lannie Chatman, Susie Whitwire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston S. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee freedmen
D 680.

OPY.

Muskogee, Indian Territory, June 8, 1906.

Susie Whitmire,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for the enrollment as Cherokee freedmen of yourself and your children, Julia and Samuel Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make allotment selections until your names have been placed upon a Cherokee freedmen schedule and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

SIGNED: *Tame Bixby*
Commissioner.

Cherokee Freedmen
B363 et al.

COPY.

Muskogee, Indian Territory, June 11, 1906.

Blue & Bulger,

Attorneys for Etta Manley, et al.,

Dexter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Malley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Hennie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed
herewith a copy of Departmental decision referred to.

Respectfully,

Encl. A-93.
M.A.

SIGNED:

Tame Bixby

Commissioner.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Waynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

M.A.

WENED
L. G. LINDY
Commissioner.

Chen Fr 1520

Chen Fr 1520

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 29th, 1901.

In the matter of the application of Eliza Rogers for enrollment as a Cherokee Freedman; said Rogers being sworn and examined by Commissioner T. D. Needles, testified as follows:

APPEARANCES:

J. R. Sequichie, Agent for Applicant.
Messrs. Hastings and Davenport, for Cherokee Nation.

- Q What is your name? A Eliza Rogers.
Q How old are you? A To my best judgment I am 28 years old.
Q What is your post office address? A Claremore.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir, I guess so.
Q Do you want to enroll anybody besides yourself? A No, sir, but myself.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Robert Rogers.
Q Is he a citizen? A I don't know.
Q Have you any children? A No, sir.
Q What is your father's name? A Charley Chambers.
Q What is your mother's name? A Sidney West, her owners was West
Q Her name was Sidney Chambers? A Yes, sir.
Q Is she livin? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Not as I know of.
Q You say you were born in the Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Never lived out of it? A No, sir.
Q Are you living with your father and mother now? A No, sir.
Q Where are you living? A I am living in Claremore.
Q You say you have never married? A Yes, sir, I am married.
Q Are you living with your husband there? A Yes, sir.
Q Keeping house in Claremore? A We are both working, we have a room where we work at.

BY MR. SEQUICHIE:

- Q How long have you been married, Mrs. Rogers? A I married the 26th of this last January.
Q What is the nationality of your husband? A Indeed I don't know, he was born in Mississippi and was brought into the Territory.
Q Is he a citizen of the Territory, Indian Nation?
A Not as I know of.
Q Have you any children by this Rogers? A No, sir.
Q Have you any children at all? A Yes, sir, I have.
Q How many? A Two.
Q Were their father citizen of the Cherokee Nation?
A No, sir.
Q Citizen of any Nation in the Territory? A Yes, sir.
Q What Nation? A citizen of the Creek Nation.
Q Are they enrolled as such? A I guess he took them with him; I never bothered with him at all.
Q Did you ever apply for enrolled in any other Nation except the Cherokee Nation? A No, sir.
Q You have lived in the Creek Nation? A Yes, sir.
Q How long did you live there? A I worked for Mrs. Bill Heffner in Muskogee, I guess a year.
Q Did you ever live in the Creek nation at any other time?
A Yes, sir, I lived there a month or two, with this man I married but I mostly stayed with my mother.

BY COM'R NEEDLES:

Eliza Rogers.--2.

- Q You never you say draw any money from the Cherokee Nation?
A In my growing up my aunt drew money twice for me.
Q Did you draw what is known as strip money?
Q Kern-Clifton money? A I don't know hardly what you mean.
Q That was the payment five or six years ago? A No, sir.
Q Did you ever draw strip money? A I don't know honest, she
drawed \$15.50 to my judgment.
Q Were you ever married before you married Rogers? A Yes, sir.
Q To whom? A I married to a Creek darkey.
Q What was his name? A Renty Thomas.
Q You had two children born by him? A Yes, sir.
Q What are their names? A Lucinda.
Q About how old is Lucinda? A 14 years old.
Q What is the name of the next one? A Eva.
Q How old is Eva? A Eva is nine.
Q Where are these children? A They are with their father, he has
always had them in the Creek Nation.
Q He lives in the Creek Nation? A Yes, sir.
Q Do you know whether they have ever been enrolled in the Cherokee
Nation or not? A I don't know.
Q He is a Creek citizen? A Yes, sir.
Q You are the mother of the Children? A Yes, sir.
Q You are a Cherokee Freedman? A Yes, sir.
- BY MR. DAVENPORT:
- Q Where were you living when you can first remember?
A I guess it was on Spring Creek or somewhere with Auntie's.
Q Where was your Auntie living? A On Spring Creek.
Q Well, what country, South Africa? A I don't know.
Q You don't know what country it was? A No.
Q Now, you have been living since about '89 or '90 in the Creek
Nation? A I don't know.
Q Your husband was living there in '90 your first husband?
A I don't know.
Q Well, you were working for Mrs. Bill Heffner, hired there?
A No.
Q Where was he? A I was at his home.
Q I say he was living in Muskogee when you were working for Mrs.
Bill Heffner? A Yes, sir, he was living west of there.
Q You never lived in the Cherokee Nation from the time you worked
there? A Yes, sir.
Q Where have you lived from the time you left your first husband
until you and Rogers were married? A Lived in the Cherokee Nation.
Q Where have you lived? A I live out there, Chouteau Station on
Brushy.
Q How long have you lived on Brushy? A I stayed there.
Q A year or two? A I lived with my Auntie, Harriet Markham.
Q How far did you live from Wig Schrimsher? A I don't know.
Q Don't you know that he lives right there on Brushy?
A No, sir.
Q When you left Chouteau where did you go? A I went about
seven miles from Coffeyville to Mintie Melton's.
Q And you went from there to Claremore? A Yes, sir.
Q Where were you and Rogers married? A Fort Smith.
Q How long had you been living in Fort Smith when you were married?
A I never lived there, he took me to his mother's and married.

BY MR. SEQUICHIE:

- Q Is your Creek husband named Renty Thomas or Thomas Renty?
A Renty Thomas.
Q Do you know what part of the Creek Nation he lives in?
A No, sir.
Q Did you live with him in Muskogee? A About two miles and a
half from Muskogee what time I stayed with him.
Q Did you ever know his father's name? A No, sir.
Q Do you know his mother's name? A No, sir.

Eliza Rogers.--3.

Q But he has these two children? A He sir, he has always had them, I have never had them.

Q You never had them enrolled as Cherokees? A No, sir.

BY MR. DAVENPORT:

Q You are the same woman that out Jim Vann at Fort Gibson during the strip payment there? A Yes, sir.

COM'R NEEDLES: Eliza Rogers applies for the enrollment of herself. She avers that she is a child of Charles and Sidney Chambers, that she is now married to Robert Rogers. Her attorney requests that the testimony taken in the matter of the application of Sidney Chambers, now Sidney West, who was enrolled as a Cherokee Freedman on doubtful card #564, be made part of the record in the case at bar and it will be done and copy of said testimony will be filed herewith. Said Eliza Rogers will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

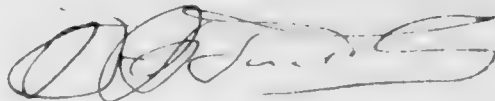
She avers that she was married to one Renty Thomas, a Creek citizen, by whom she has two children, Lucinda, about 14 years old and Eva, about nine. A copy of the testimony taken will be submitted to the general office at Muskogee to be taken into consideration with reference to the matter of the enrollment as Creek citizens. Eliza Rogers will be notified by mail of the action of the Commission.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 16th day of July, 1901.




Commissioner.

13

X 1950

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 29 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *Jan 22 1863*
Post Office *Clatsville T.*
District *Co.*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother Citizenship

2. Name of wife *Carra Popkin* Age *27*
Owner's name Citizenship
Year Page No. District

Parents:

Father *John Chambers - w. m.* Citizenship
Mother *Johny - w. m.* Citizenship

Names of Children:

- 3. Year Page No. Dist.
- 4. Year Page No. Dist.
- 5. Year Page No. Dist.
- 6. Year Page No. Dist.
- 7. Year Page No. Dist.
- 8. Year Page No. Dist.
- 9. Year Page No. Dist.
- 10. Year Page No. Dist.
- 11. Year Page No. Dist.
- 12. Year Page No. Dist.

Application made by *J. P. Fournier* Stenographer *J. P. Fournier*

X ref. to 364

J. P. Fournier has no application.

8

(10 10) 9

6

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Letter to S. T. P. 15-01

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Oliver Rogers for enrollment as
Freemen of the Cherokee Nation.

No. C. F. A. C. 956

A. C. M. C. C.
Agent for Applicant

file with Cherokee Freedman, D- 250. Eliza Rogers

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment
as a Cherokee Freedman.

Appearances:

J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

SIDNEY WEST, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Sidney West.
Q How old are you? A I really don't know.
Q About how old? A I am about, as near as I can come at it, about
56 I guess.
Q What is your postoffice? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just my children.
Q How many children? A Six.
Q Have you got any children under age? A No, sir.
Q Your name on the roll of 1880? A I don't know, sir, whether
it is on there.
Q You don't know whether it is on any roll or not? A No, sir.
The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.
The Kern-Clifton roll examined and the applicant not identi-
fied thereon.
The Wallace roll examined and the applicant not identified
thereon.
Mr. Sequichie: Mrs. West, can you give any reason why you are not
on any of the rolls? A Well, I followed the Kern around to Gibson
and to Vinita and I followed them to Anderson, and they didn't put
me on because I didn't have any witnesses just then.
Q What Court do you mean by that? A Kern's.
Q The Kern-Clifton enrollment? A Yes, sir.
Q What was the reason you didn't have any witnesses with you?
A. Well, I thought I would find witnesses there on the ground and
it seems like nobody didn't want to own me.
Q Who did you belong to? A John West.
Q Were you here in the Cherokee Nation during the war between the
confederates and the Union rebellion, the last war? A During of
the war, no sir.
Q Were you here before the war? A Yes, sir.
Q Where did you go during the war? A Went down to the Choctaw
Nation.
Q Were you ever married? A Yes, sir.
Q Who was your husband? A Charles Chambers.
Q How long did Charles Chambers and yourself live together?
A We lived together till we raised a family.
Q Do you remember what year you came back to the Cherokee Nation
after the war? A In '65 they told me, the fall of '65.
Q Who came back with you? A Charles Chambers.
Q Anybody else? A No, sir, because we went out from Red
River here.
Q What part of the Cherokee Nation did you come to when you re-
turned? A Sequoyah.
Q Do you know the reason why you are not enrolled on the 1880 roll?
A Why I don't know nothing at all about it.

Q In fact, you had no one to look after you? A No, sir, I didn't have anyone to look after me.

Q Just alone? A Myself alone.

Commissioner: Were you a slave? A Yes, sir.

Q To whom did you belong? A John West.

Q Was he a Cherokee? A Yes, sir.

Q Where were you born? A On Grand River.

Q In the Cherokee Nation? A Yes, sir.

Q And you went out during the war? A Yes, sir.

Q Did you go any farther south than the Choctaw Nation? A No, sir.

Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.

Q Did you ever apply to the Creek Nation for enrollment? A No, sir.

Q You never drew any money from the Cherokee Nation then at all?

A No, sir.

Q Never been recognized? A No, sir.

Mr. Hastings: Where did you live before the war? A On Canadian.

Q In Canadian district? A Yes, sir.

Q Is your old master alive? A No, sir, he is dead.

Q Your young master alive? A Yes, sir.

Q Tall John West? A Yes, sir.

Q You belonged to them when the war came up? A Yes, sir.

Q You went south during the war? A Yes, sir.

Q Now you stated a while ago that you followed that Kern-Clifton court around, and that you never could get a hearing, didn't you?

A Yes, sir.

Q You didn't get any hearing, did you? A No, sir, I never get any hearing from it.

Q I don't want you to misunderstand; you mean you never got to go before the court? A Yes, sir, I went before the court.

Q But you couldn't find any witnesses then? A No, sir.

Q Wasn't Charlie Chambers there? A He was there.

Q Wasn't Columbus Lasley there? A Yes, sir, he was there.

Q Couldn't you get them to swear for you then? A No, sir, I didn't, I didn't try, I must tell you the truth about it, for I was sick at the time.

Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Vinita and they wouldn't hear her there at all.

Q What was her name? A At that time she was a Brewer, but she is Mrs. Ruthie Tinley now.

Q Where does she live? A Colagah.

Q Does she know when you came back? A Yes, sir.

Q Did you come back with her? A No, sir, I came ahead of her.

Q Where did you come in the Cherokee Nation? A Sequoyah district.

Q Now who came with you? A Charles Chambers.

Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.

Q Well, you came to Sequoyah district, did you? A Yes, sir.

Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living in a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.

Q Did you continue to live there? A Yes, sir, lived there three years.

Q Do you know John Melton? A Well, no sir, I don't know whether I did or not.

Q Who did you know down there in that settlement? A John Campbell.

Q He is dead, is he? A Yes, sir, he is dead.

Q Anybody that is living that was there then? A Well, old man

Jack Campbell, he is dead too.

Q How about Dr. Campbell, at Illinois Station? A I don't know nothing about him.

Q Anybody else down there that you can think of that is living now?

A Well Harrison Foreman was one

Q Was he living down there then? A Yes, sir, he was right there then.

Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.

Q Do you know Mrs. Franklin's daughter, Eliza McCrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.

Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.

Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.

Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.

Q That was the winter after the close of the war? A Yes, sir.

Q That was the next winter was it? A It was that coming winter.

Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.

Q You came up there with him? A Yes, sir.

Q And you lived there with him about a year? A Yes, sir.

Q Did you live with him until the winter following that? A He left in the spring.

Q The following spring? A Yes, sir.

Q Did you see him any more? A Yes, sir.

Q When did you see him? A Well, I came to Gibson and we lived there together again when I came there.

Q Well, how long had he been gone before you went up there?

A He had been gone about a year.

Q And you went up there and lived with him, to Gibson? A Yes, sir.

Q It was about a year after he left you before you went to Gibson?

A Yes, sir.

Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.

Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.

Q Did you live with Charles Chambers at Park Hill? A Yes, sir.

Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.

Q Then where did you go? A I went to Tahlequah.

Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.

Q Well, where did you go from Tahlequah? A I came to Pryor Creek.

Q How long did you live there? A I stayed to Pryor Creek about a year.

Q Well, then where did you go? A I went to Timber Hill.

Q Who did you live with at Timber Hill? A Lived with my sister.

Q What was her name? A Harriett Marcus.

Q Where did you go from Timber Hill? A Well, I hired ~~KIMMEX~~ to a man over in the Creek Nation.

Q About when was that? A I really can't tell you.

Q About how many years ago? A Well, I just can't tell you that, to be honest with you.

Q As much as 20; about how long after the war was it? A I don't know as I can tell you that.

Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

the Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q Have you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Riley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of West, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from there? A Been about five years.

Q You moved back when the Kern-Clifton Court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson.

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

Q Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring peace was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Rattie.

Q What are your other children's named who are alive?

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Chapman.

Q Where was Sarah born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kern-Clifton Commission that you lived west of Checotah, towards the sunset of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Checotah? A No, sir, I never did live in that direction.

Q You never said that? A No, sir, if I did I don't remember it, I meant to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does.

Q You said a while ago that you live in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Q Now, how long have you lived in Canadian district now? A I don't ~~know~~ live there.

Q Where do you live? A I live up here on Lightning Creek.

Q When did you move up here? A Over five years ago.

Q Where did you move from up here? A I moved from the Creek Nation.

Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.

Q How long had you been living at Gibson when you went over there?

A I was just going backwards and forwards.

Q Where did you have a house; have one at Gibson? A Yes, sir, I had a house at Four Mile Branch, well at Park Hill.

Q When did you have one there? A When me and Charlie lived there.

Q After that? A I never had a house after that, I was just working out.

Q You never had a home after that? A No, sir.

Q That was about four years after the war? A Yes, sir.

Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.

Q Where have these children been living? A Left them once with my sister.

Q What is her name? A Mintie Martin

Q Where does she live? A On Pryor Creek.

Q How long did you leave them there? A Left them once about six months, and another time nearabout a year.

Q Now tell me how long you have been living in the Creek Nation?

A Well I havetold you.

Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.

Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I as just backwards and forwards.

Q Did your husband have a home over there? A Yes, sir, he did.

Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellop.

Mr. Secuichie: Which McKellop? A Albert.

Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.

Q Where did you could get work? A Yes, sir, wherever I could get work to support my children.

Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.

Q Never worked there? A Never was in the state in my life.

Q Arkansas? A No, sir.

Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.

Q You had two children, Lucinda and Eva, born in the Creek Nation?

A No, sir, never had a child of that name in my life.

Q They are your grandchildren? A Might be.

Q I ask you if you know them, Lucinda and Eva Colenel?

A That is right.

Q You know them now? A Yes, sir.

Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.

Q Whose children are they? A They are my daughter's children; they are in the Creek Nation with their father.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Seedles, testified as follows:

Q What is your name? A Charlie Chambers.

Q About how old are you? A 70 years old.

Q What is your postoffice? A Hudson.

Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.

Q Did you and her ever live together as man and wife? A Yes sir.

Q When were you married? A Well, we were not married, we took up together just like the darkies always just used to do; there wasn't anybody to marry us in that times.

Q When was that? A That was in the war time, just directly after the war first came up.

Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.

Q During the war? A In time of the war.

Q How long did you and her live together? A We lived together I guess about, as well as I can recollect, six or seven years.

Q Did you return back to the Cherokee Nation with her? A Yes, sir.

Q What year was that? A They told me it was in '65, they wasn't hardly stopped fighting yet, when we came along, they were killing all along the road.

Q Are you on the 1880 roll? A Yes, sir.

Mr. Sequichie: I would like to identify him on the 1880 roll.

Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.

Mr. West asks: Where did you know this woman down south? A Knew her right at John West's.

Q John West living down there? A Yes, sir, he was living there.

Q Charlie, you ever been up before the courts any? (No response)

Q Ever tried at Fort Smith; answer the question? A Well yes I told you that; you ask me that every day.

Q Convicted? A No, sir.

Q Was you ever tried in the Cherokee courts? A Yes, sir.

Q Ever tried by the United States Court at Vinita? A Yes, sir.

Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.

Q You never testified for this woman then? A No, sir.

Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.

Q Did she ask you to testify for her? A No, sir.

Q Was this woman Sidney West a slave? A Yes, sir.

Q Who did she belong to? A She belonged to John West.

Q John West a Cherokee citizen? A Yes, sir.

Q Was she taken out of the country during the war? A Taken out at the commencement of the war.

Q Where to? A She was taken down there to Red River in the Choctaw Nation.

Q Do you know when she came back? A Yes, sir.

Q When? A Came back in '65.

Q You came with her? A Yes, sir.

Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there, and I don't know how long we did live together there.

Q You say you lived with her in the Choctaw Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

A Yes, sir, I had heard she was living in the Creek Nation.

Q She has married over there? A Yes, sir.

Q She lived over there until a few years before the Kern-Clifton Commission? A No, sir, she hasn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her; anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do; of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave with her? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on an old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You run off and left her down there? A Yes, sir, I come off and left her down there.

COLUMBUS LASLEY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 53.

Q What is your postoffice? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Sequichia: Mr. Lasley, do you know Mrs. Sidney West? A Yes, sir.

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south, after the war? A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and in '67 we lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places; she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, she told me she lived over here on Canadian or some place, in the Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time is '67 you see this woman? A It was in '68 we went out on the Four Mile Branch, it was after that I got acquainted with her.

Q What time of the year, do you recollect? A No, sir, my recollection, it was the spring or summer.
Q Or fall? A I think it was in the summer.
Q You think it was after the first of January? A No, sir, it was in '67 when we went out there, and after that I saw this woman.
Q What time in '67 did you go out there? A We went out there in the summer.

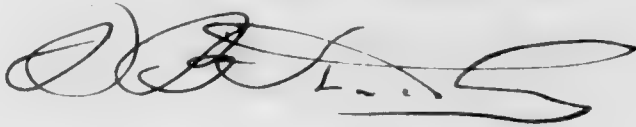
Mr. Sequichie: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there, Mrs. Finley and Mr. West.

Commissioner: Nancy first applied for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of August, 1901.



Commissioner.

File with case of Eliza Rogers, C.F.-D.#950.

Supl.C.F.-D.#564.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT SIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SIDNEY WEST as a Cherokee Freedman; introduced in the part of
Applicant:

APPEARANCES:

Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles,
testified as follows on behalf of Applicant:

MR. SEQUICHIE: What is your name? A John C. West.

- Q Post office? A Muskogee.
- Q Your age? A 59.
- Q Mr. West, do you know a Cherokee Freedman, applicant, by the name of Sidney West? A Yes, sir.
- Q Did she belong to you or your family some way? A Yes, sir, she belonged to father.
- Q Do you remember what time, whether before the war or after the war, she left the Cherokee Nation? A She left the Cherokee Nation in about '63.
- Q You remember what year she came back? A No, sir.
- Q Did you ever hear of her any more after she left here?
(Question objected to by Mr. Hastings.)
- Q Do you know when she came back to the Cherokee Nation?
A No, sir, I don't.
- Q Did you see her at any time while she was away? A Yes, she was with the family.
- Q Where? A From '63 until about '66 I guess.
- Q Where was that? A Down in the Chickasaw and Choctaw Nation, down on Red river.
- Q In the Indian Territory? A Yes, sir.
- Q To about what year was she in the family? A As well as I remember about '65.
- Q Do you know where she went then? A No, sir, I don't.
- Q Did you ever see her in the Cherokee Nation after that?
A No, sir, I don't believe I ever did.
- Q Never seen her? A No, sir.
- MR. HASTINGS: Where do you live, in what district?
A Canadian.
- Q How long have you lived there? A I have lived there since '60.
- Q How wide across east and west is Canadian district? A I suppose it is about 32 miles, east and west.
- Q How far north and south? A About the same distance.
- Q You have been sheriff of your district? A Yes, sir.
- Q You have lived there ever since the war? A Yes, sir.
- Q Been on the Police force? A Yes, sir.
- COMR NEEDLES: You say Sidney West during the war went to the Chickasaw Nation? A Choctaw Nation, she went down there with the family.
- Q She didn't go any farther south than the Choctaw Nation?
A No, sir.
- Q And the last you saw her was in the Choctaw Nation in '65?
A Yes, sir.

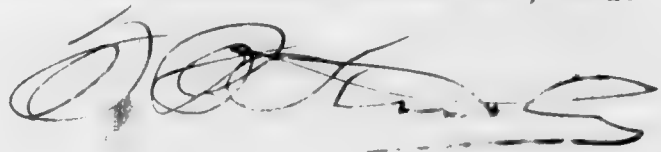
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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Supl. C. P. D. #564. ---

Subscribed and sworn to before me this October 4th, 1901.



Commissioner.

File with Eliza Rogers C. F. D. 950

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 18th 1901.

In the matter of the application of Thomas Archer, C. F. D. 901.

Appearance

James S. Davenport for the Cherokee Nation
Mellett Smith for the applicant.

- CLARENCE ROBERTS, being first duly sworn by Com'r T. B. McAdams testified as follows on the part of the Cherokee Nation:
- (By Davenport)
- Q What is your name? A Clen R. Roberts.
- Q Where do you live? A Claremore.
- Q What is your age? A 63.
- Q How long have you lived in the Cherokee Nation? A All my life except during the war.
- Q Do you know the applicant Thomas Archer? A Yes sir.
- Q How long have you known him? A Since '80.
- Q Where was he when you first saw him to know him? A Cooweescoowee district.
- Q Where were you in '67? A Fort Gibson.
- Q Did you have anything to do with the Roger's Salt Works on Grand river in '67? A No sir.
- Q Did you go there yourself or with anyone else in '67 and take them away from Thomas Archer or any other person? A No sir, in '67 I was freighting.
- Q Did you ever drive him or any one else away from there? A No sir.
- (By Mr. Smith)
- Q There are several gentlemen that are Cherokee citizens by your name are there not? A Yes sir.
- Q It is a right prominent name in the history of the Cherokee Nation? A Yes sir.
- Q If Thomas Archer testified that you took the salt works away from him he was mistaken about that? A Yes sir.
- Q You dont know when he came here? A No sir.
- Q Did you know him before that? A I dont know that I did.
- (By Davenport)
- Q There was only one Clen Roberts in the Cherokee Nation in '67 there was a grown man? A I didnt know of any other at that time, there is several now.

This will be filed in Cherokee Freedman cases, D-901; D-1002; D-428; D-497; D-466; D-464; D-436; D-430; D-490; D-491; D-828; D-950; D-564; and D-565.

Clas. von Volze, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 17th of October 1901.

(Handwritten signature)
Commissioner.

File with Eliza Rogers, C. F. D. 850.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of David
Martin C. F. D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicants.

H. C. HARFORD being first duly sworn by Court T. J. Beedles, tes-
tified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A H. C. Harford.
Q Where do you live? A Ottawa, Franklin County, Kansas.
Q How old are you? A 44.
Q How long have you lived in Ottawa, Kansas? Since 1865.
Q Since you have been living in Ottawa, Kansas, did you become ac-
quainted with a colored man named David Martin? A Yes sir.
Q When did you become acquainted with him? A In the Summer of '67.
Q Have you seen the gentleman since you come down here? A Yes sir I
met him on the street.
Q How long after you became acquainted with him did David Martin
reside at Ottawa or near there, or about how long? A David Martin
lived at Ottawa and left there about 21 years ago, 20 or 21 years
ago, and from the time he came there he was there off and on all the
time, I missed him for a while and saw him for a while, he would
be gone a good deal, where he was I of course don't know.
Q Did he have a family there? A Yes sir.
Q You say you met him this morning? A Yes sir.
Q Did you recognize him as the David Martin that you knew up there?
A Yes sir, I did.
Q Did he recognize you? A He didn't for a while, after he studied he
finally made up his mind who I was.

(By Smith)

Q What time did you first know David Martin? A To the best of my
knowledge it was in '67; I got acquainted with David Martin when I
had been there a couple of years.
Q How old were you then? A I guess I was about 11 years old.
Q How old was David Martin then? A I don't know.
Q Was he a man? A Yes sir he was a man grown when he came there.
Q You are not sure as to the year you met him in? A I can't positively
swear as to the year, I know he came there about a year and a half
or two years after I came.
Q That is as long as you can remember after that length of time? A
Yes sir.
Q You say he was there part of the time and the other part of the
time you missed him? A Yes sir, probably I would see David Martin
every couple of months or so.
Q You didn't see his family? A Yes sir.
Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and
the sub-references thereto.

Cons. von Wille, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above case and that the foregoing is a
true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

John H. McKinstry

Commissioner.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of---

Etta Manley et al.,	Cherokee Freedmen D-353,
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-435,
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-554,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire) et al.	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950.

-- D E C I S I O N :--

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Mannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Meigs, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Iela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 83, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866 and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman, and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber

and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Kvaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) _____
Tams Bixby
Chairman.

(Signed) _____
T. B. Needles
Commissioner.

(Signed) _____
C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 5 1905.

WAT

Handwritten mark

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Eliza Havers,
Cherokee, I. T.
Cherokee - 2-950
Registrar.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-353, et al.

Muskogee, Indian Territory, January 5, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1905, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Nannie Chatman, Evaline Jimison, Henry Caesar and Eliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

-2-

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Encl. K-8.

COPY.

Cherokee Freedmen
D-950.

Muskogee, Indian Territory, January 26, 1905.

Elizabeth Rogers,

Claremore, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your former agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-16.

Register.

(SIGNED).

Tams Pixby
Chairman.

Cherokee Freedman
D-353 et al.

Muskogee, Indian Territory, January 26, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 5, 1905, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Susie Whitmire; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Nannie Chatman; Evaline Jimison, Henry Caesar, and Eliza Rogers, and rejecting the applications for the enrollment of Etta, Alonzo, Harvey, Freddie, Maynard, Howard, Kessie, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tame Bixby*
Chairman.

Encl. L-19.

Through the
Commissioner of Indian Affairs.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
8564-1905.
14810-1905.

March 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Joah Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to

Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Edward Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1860 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitacre, son and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1866 and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation

since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Kliza Manley, and that the minor applicants, Eta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Kliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitmire are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Mannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1880 and have continuously lived with their mothers since birth.

The record shows that the applicant, Frank Webber, died June 13, 1901.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

M.H.W.
W.

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR,

D.D. 22188

WASHINGTON.

FHE.

I.T.D. 3843,4575,8743-1905

8745,8903,8905- "

3344,8907- "

10611,12908- "

May 31, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston S. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
D 950.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Eliza Rogers,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for the enrollment as a Cherokee freedmen of yourself, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of the Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

COPY.

James Bibby

Commissioner.

Cherokee Freedmen
D353 et al.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed here with
a copy of the Departmental decision referred to.

Respectfully,

Encl. A-95.
M.A.

James Bixby

Commissioner.

RECEIVED

Cherokee Freedmen
D353 et al.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Bel~~l~~ Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
a copy of the Departmental decision referred to.

Respectfully,

Encl. A-98.
M.A.

(SIGNED). *Tams Bixby.*
Commissioner

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



1905



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~~113-0~~



RECEIVED

MUSKOGEE, IND. TER.

2 March

Cher Fr 1521

Cher Fr 1521

Cherokee Freedmen D 641.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

A. F. M.

In the matter of the application for the enrollment
of Dennis Vann et al., as Cherokee Freedmen.

--:--

D E C I S I O N.

The record in this case shows that on June 10, 1901, Dennis Vann appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself and (minor) children, Carrie and Mamie Vann, as Cherokee freedmen. Further proceedings in the matter of said application were had on October 15, and November 22, 1904, at Muscogee, Indian Territory. Copies of the testimony taken at various times and places in re application of Tobias Bean et al., for enrollment as Cherokee freedmen, are filed herewith and made a part of the record herein.

The evidence in this case shows that the principal applicant, Dennis Vann, was the slave of a Cherokee citizen at the commencement of the rebellion, that during said rebellion he removed from the Cherokee Nation, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs the Cherokee nation et al., for the return of Cherokee freedmen to said nation, and, except as below noted, has since continuously lived therein. During the interval between the years 1875 and 1890, said applicant, Dennis Vann, resided during a part of the time, outside the limits of the Indian Territory, but it is not considered that his right to citizenship in the Cherokee Nation was forfeited thereby.

The evidence further shows that the applicants, Carrie and Mamie Vann, were born in the state of Kansas, have continuously resided therein since birth, and are the children of the said Dennis Vann and one Charlotte Vann, deceased, a non-citizen of said nation. In this connection attention is called to the fact that the evidence strongly indicates that the two first above named applicants are the illegitimate offspring of the last above named applicant and the said Charlotte Vann, deceased, which, if true,

brings them within the ruling of the Department in the case of Ellis Ormsett et al., where it was held that an illegitimate descendant, whose father is borne on the Cherokee Authenticated tribal roll of 1860, is not entitled to citizenship in the Cherokee Nation when it is shown that he has always resided with his mother outside the limits of the Indian Territory.

Attention is further called to the testimony of the principal applicant, Dennis Vann, in this, to-wit: that on June 10, 1901, he was fifty years old; that on the date of his marriage to the said Charlotte Vann, deceased, he was twenty-four or twenty-five years old; that the said Charlotte Vann died about four years after their marriage; that at the time of her death the ages of the said applicants, Carrie and Mamie Vann, were about two and four years, respectively; and, upon examination it is found that the Cherokee census roll of 1893 shows the said Carrie Vann to be, at that time, fourteen years old. Consequently, under section 4102 of the "General Statutes of Kansas", which provides:

"The period of minority extends in males to the age of twenty-one years, and in females to that of eighteen years."

said two applicants were on September 1, 1902, several years past their majority, hence, are within the ruling of the Department in the case of Ira . Camp (I.T.D. 141-04). And, in fine, it is considered by the Commission that after ample opportunity afforded, said applicants, Carrie and Mamie Vann, have failed to establish, by satisfactory evidence, their rights to enrollment as Cherokee freedmen, and that their application is clearly within the ruling of the Department in the cases referred to in the last paragraph of this decision.

Except that the name of Carrie Vann appears on the Cherokee census roll of 1893, neither of the said applicants, Carrie or Mamie Vann, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

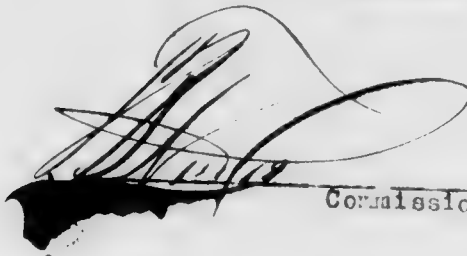
It is, therefore, the opinion of this Commission that Dennis Vann should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress below noted; and that, following the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 844-04), William Rector (I.T.D. 1466-04), Minnie Duncan et al. (I.T.D. 1472-04), Samantha Chambers (I.T.D. 2296-04), and Siliana (I.T.D. 430-04), and

Moses Ross (I.T.D. 6056-04), the application for the enrollment of Carrie Vann and Marie Vann as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner

Commissioner

Date at Muskogee, Indian Territory,
this JUN 16 1905

*I dissent from
enrolling any of them -
A. R. Bush
Commissioner*

MAIL:
47217-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Dennis Vann for himself and his minor children, Carrie and Mamie Vann.

June 16, 1905, the Commission decided favorably to Dennis Vann and adversely to the other applicants - Commissioner Breakinridge dissenting to the enrollment of any of the applicants.

The record shows that Dennis Vann was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he removed from the Cherokee Nation; and returned thereto on or before February 11, 1867. It is further shown that the minor applicants are the children of Dennis Vann and one Charlotte Vann, deceased, a non-citizen of the Cherokee Nation; that they were born in the State of Kansas and have continuously resided in that State; that it is not established that they are the legitimate offspring of the principal applicant and after ample opportunity they have failed to establish their

-2-

right to enrollment as Cherokee Freedmen.

In view of the record the approval of the Commission's decision favorable to Dennis Vann and adverse to the other applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

-COPY-

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.
FHE.

D.C. 22197.
I.T.D. 7942-1905.

May 28, 1906:

Y.P.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 16, 1905, the Commission to the Five Civilized Tribes forwarded the record in the matter of the application of Dennis Vann for the enrollment of himself and his children, Carrie and Mamie Vann, as Cherokee freedmen. By a majority vote rendered June 16, 1905, Commissioner Breckinridge dissenting, the Commission found that Dennis Vann was entitled to enrollment. The decision of the Commission of the same date was unanimous to the effect that the other applicants herein should be denied enrollment.

Reporting in the matter June 28, 1905, the Indian Office recommended that the decision favorable to Dennis Vann and adverse to the other applicants, be approved. A copy of its letter is inclosed.

The Department concurs in the recommendation of the Indian Office. It is evident that Dennis Vann was the slave of a Cherokee citizen; that he returned to the Cherokee Nation within the time prescribed by the treaty of 1866, and that he has continuously maintained a legal residence therein ever since.

Concerning the other applicants, the Department is not well satisfied that its decisions relative to the Ellis Grinnatt and Ora Camp cases are wholly applicable to this case, or that they should govern in the disposition of it; nor is it considered that section 4152 of the General Statutes of Kansas, to which the Commission refers, should be relied upon to determine when the minority of said applicants ceased. It does appear, however, from the preponderance of evidence, that Carrie and Mamie Vann became of age, according to the Cherokee law, prior to September 1, 1902, while absent from the Cherokee Nation; that such absence has since continued and still continues; that since becoming of age they have done nothing whatever toward identifying themselves with the Cherokee Nation; nor does it appear that at any time prior thereto were they identified in any way with the nation, except through such constructive residence as they may have had through their father. Under such circumstances, it is considered that even if it can be admitted that they were Cherokee citizen at the time when they became of age, they voluntarily forfeited such citizenship.

For the reasons stated, the decision in favor of Dennis Vann and adverse to the other applicants is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee
P-1521

Muskogee, Indian Territory, October 16, 1906.

Dennis Vann,

Watoosa, Indian Territory.

Dear Sir:

This office is in receipt, by reference from the Commissioner of Indian Affairs, of your letter of September 25, 1906, addressed to the Attorney General of the United States, complaining of an error accorded you by the Commission in connection with the enrollment and allotment of land in the Cherokee Nation of yourself and children.

In reply you are advised that the records of this office show that your application for enrollment as a Cherokee Freedman was granted and the application for the enrollment of your children, Carrie and Mamie Vann as Cherokee Freedmen was denied by the Secretary of the Interior May 28, 1906, and that a motion filed July 27, 1906, to reopen the case of your children is pending at the present time.

You will be advised of any further action taken in connection with the case of your children.

That part of your letter relating to allotment of land and allotment contests will be made the subject of separate communication.

Respectfully,

MC

Commissioner.

Cher Fr 1522

Trans. from Cher Fr D1482

Cher Fr 1522

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
ANTHONY CRITTENDEN, ET AL.,
as Cherokee Freedmen.

CHEROKEE D 1482.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 20 , 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applica-
tion for the enrollment of EMILY WEAVER ET AL., as Cherokee
freedmen.

APPEARANCES:

For applicants, R. H. Couch,
For Cherokee Nation, W. W. Hastings.

.. .. .

ANTHONY CRITTENDEN, being first duly sworn, testified as
follows:

BY MR. COUCH:

- Q What is your name? A. Anthony Crittenden.
- Q What is your age? A. I don't know my age.
- Q About how old are you? A I must be about 55 or 56.
- Q Where do you live? A. In Canadian District.
- Q Cherokee Nation? A. Yes, sir.
- Q Are you acquainted with Emily Weaver? A. Yes, sir, I ought to be.
- Q What relation are you to Emily Weaver? A. She is my mother.
- Q How large was you when the war closed? A. I don't know, I
can recollect there being a war going on, that is all I can
recollect about the war.
- Q You were a pretty good size boy were you? A. Yes, sir.
- Q Where did you live when the war closed? A. I lived in Polk
County, Arkansas.
- Q How long after the war closed until you left there? A. It
was in 1865 when I left there.
- Q How do you know it was 1865 Rant?

ON BEHALF OF THE COMMISSIONER:

- Q Have you ever been known by the name of Rant? A. Yes, sir, that
is the nick name they give me.

BY MR. COUCH:

- Q How do you know that it was in 1865 that you left there? A Old
Aunt Lydia told me it was in 1865 .
- Q Who was that, Aunt Lydia Quinton? A. Yes, sir.
- Q When did you talk with her about the time you left, after you
came back to the Cherokee Nation? A. Yes sir, I lived with her
until I was grown.
- Q When you left Polk County where did you go to? A. Went to the
Choctaw Nation.
- Q How long did you remain in the Choctaw Nation? A. We left there
in 1866.

Cherokee M 348--#2

- Q What time of the year? A It was in the fall like, I don't remember what time in 1866.
- Q How long did you stay over there in the Choctaw nation? A. I don't recollect how long we were there.
- Q About how long was it? A. We started from the Choctaw Nation but didn't travel more than a day before we lost the horses
- Q Had you crossed the Arkansas River when you lost the horses? A. No sir.
- Q You stayed there awhile then before you crossed? A. Yes sir we couldn't find them, we rigged up a team and come on.
- Q What time of the year was it? A. It was in the winter as well as I can recollect.
- Q Was it cold? A. Yes sir, pretty cold.
- Q Do you remember whether there was any snow on the ground after you left the Choctaw Nation or not? A. No sir.
- Q Well how long were you making that trip now from the Choctaw Nation before you stopped in Goingsnake district in the Cherokee nation? A. It was in 1867 when we got to where we were going
- Q How do you know it was 1867? A. The old lady told me it was
- Q She told you it was in 1867? A. Yes, sir.
- Q What time of the year in 1867 was it, in the winter? A. I don't know what time it was, I think it was along in the spring
- Q In the early spring was it? A Yes, sir, we got here in time to put in oats.
- Q Had the trees put out when you got up there? A. No sir the trees hadn't put out as well as I can recollect.
- Q Do you think it was as early as January when you started across the Arkansas River in 1867? A. It must have been, we drove hogs, and you know how hogs travel
- Q Were you detained on the road from any cause? A. High water, sometimes.
- Q Where was that high water? A. On Lee's Creek.
- Q Is that in the Cherokee nation? A. Yes, sir.
- Q How long were you detained there by high water? A. Not more than two or three days at a time, maybe a day and maybe sometimes two days.
- Q Now according to your best judgment how long were you making that trip from the Choctaw Nation? A. I couldn't hardly tell.
- Q Were you as much as a month and a half? A. It might have been a month and a half, I couldn't say for certain, it might have been a little longer, I couldn't say.
- Q Were you a slave? A. Yes sir, I guess I was
- Q Who did you belong to? A. Old man Phillips. Old man Lige Phillip
- Q What was his wife's name? A. Sidney Phillips.
- Q They were Cherokee citizens? A. She was a Cherokee, he was a white man.

BY MR. HASTINGS:

- Q Where were you born? A. Now you are too hard for me, I don't---
- Q Where were you told you were born? A. I never did hear them say where I was born.
- Q You never heard them say where you were born? A. No, sir.
- Q Were you born in Polk county, Arkansas? A. I don't know whether I was or not.
- Q When you could first remember you were living there? A. Yes, sir
- Q And you are now about 55 or 56? A. Yes sir.
- Q Then you were born along in 1849 or '50? A. Yes sir I might have been born in Polk County, I couldn't say where it was.
- Q Is it your understanding you were born there? A. I guess I was, I couldn't say where I was born.
- Q Then your mother was living there with Elijah Phillips when you were born? A. Yes sir.
- Q And she never come to the Cherokee nation until after the war? A. No sir.

- Q Did Elijah Phillips own a farm there? A. Yes, sir
- Q And he was living on it when the war commenced and had been ever since you could remember? A. Yes sir, I guess he had, he was living on it when I could recollect.
- Q Now for the purpose of testing your memory, when were you married? A. It has been about 20 years ago.
- Q Do you know what year? A. No sir, I couldn't, I aint got no education.
- Q Can you read and write? A. No sir.
- Q You don't know the years then? A. No sir.
- Q Then you really don't know what year you come up here? A. No sir
- Q You don't know what month? A. No sir.
- Q You know it was in the spring of the year? A. Yes sir
- Q Now don't you know that Lee's Creek is just a small spring branch and runs down in any two days? A. You cross it I don't know how many times.
- Q I aint asking about how many times you cross it, I am talking about its size? A. It is just a small creek.
- Q It is just a spring branch? A. I never was at the head of it
- Q It is just a small stream? A. It isn't a big stream.
- Q Is there a place along down there that you couldn't run and jump across it? A. I can find places that I couldn't jump it
- Q How wide is it down there? A. I never measured it to see how wide it is.
- Q Aint you got any judgment about it, you are under oath? A. I know that I can't jump it.
- Q If you can't jump it you can estimate it? A. I don't ~~exactly~~ know exactly how wide it is.
- Q Estimate it? A. It must have been about 6 or 7 feet, maybe 8 or 9.
- Q Now that is the only creek that detained you? A. Yes sir it was, but there were some fords that were deep.
- Q How far is it from the neighborhood of Westville which you came to, to the south boundary of the Cherokee Nation, down to the Arkansas River, about 50 or 60 miles? A. I don't know, I expect it is.
- Q How long did it take you to come that 50 or 60 miles, a week? A. It might have been, it might have taken us a week and it might have taken us 10 days, hogs travel slow.
- Q Is that your best judgment? A. Yes, sir
- Q Week or 10 days? A. Yes sir
- Q And you don't know exactly what month you landed up there, it might have been March? A. I think it was in February when we come there
- Q You don't know about that? A. No sir
- Q What year is this? A. I don't know
- Q What year was the strip payment? A. I don't know that either
- Q Do you know the year any one of your children were born? A. No only from their age I have got them set down.
- Q Now you claim your citizenship by virtue of your father being a Cherokee, didn't you? A. Yes, sir.
- Q You didn't claim your citizenship through your mother? A. Maybe I didn't.
- Q You claimed as a Cherokee didn't you? A. Yes sir I did
- Q Who is your father? A. Old Mose Crittenden.
- Q He was a Cherokee? A. Yes, sir.
- Q And you claimed through him? A. I put it in that way
- Q And you put in that your mother was a white woman? A. No sir
- Q What did you put in that your mother was? A. I don't recollect putting her in at all.

Cherokee M 348--#4

ON BEHALF OF THE COMMISSIONER:

- Q Did you come to the Cherokee Nation along with your mother?
A. Yes sir.
- Q Did you come along with the witness that just testified, Thomas Kelly? A. Yes sir, me, Old man Kelly and Tom came and old Aunt Lydia Quinton all came along together, we all come here together.
- Q How old were you at the time you started to the Cherokee Nation?
A I don't have no idea, I guess I must have been 12 or 15 years old.
- Q Just between a boy and a man? A. Yes sir.
- Q Now you don't remember ever living in the Cherokee Nation before that do you? A. No sir.
- Q The time you first came here so far as you know, was that time?
A. Yes sir.
- Q Have you lived here ever since? A. Yes sir, I lived 6 years on Grand River, and then I moved back to Goingsnake and lived there two years, and then I have been down here in Canadian District.

This case was here continued by consent and agreement until July 27, 1905, at one o'clock P.M.

++++++:0:++++)++-

George W. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) GEORGE W. LESSLEY

Subscribed and sworn to before me this 24th day of July, 1905

(S E A L)

(Signed) MYRON WHITE
Notary Public

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full true and correct copy of the original transcript in this case.

Lucy M. Bowman

Subscribed and sworn to before me this 15th day of November, 1905

Myron White
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 5, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of TONY CRITTENDEN ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:

For Applicants, Tony Crittenden in person.
For Cherokee Nation, W. W. Hastings.

ANTHONY CRITTENDEN, being first duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Anthony Crittenden.
Q How old are you? A I don't know, I must be about 55.
Q Do you know your exact age? A No sir, I don't.
Q About how old were you when the war broke out? A I couldn't tell, I can recollect when it broke up but I can't recollect when it commenced, I must have been about 12 or 13 years old I reckon, because if I hadn't of been I couldn't recollect when it broke up.
Q What is your post office? A Russel.
Q Did you ever claim citizenship in the Cherokee Nation? A Yes sir, I always claim it, but then I never did prove it.
Q Did you make any application to the Commission to the Five Civilized Tribes for enrollment, to the Dawes Commission, did you ever apply to them? A Only what I applied here that time I come up here, that was the first time I was here.
Q What did you come up here for at that time? A Come up here to see if I could get an application through for my rights.
Q How long ago was that? A I don't remember how long that has been.
Q It has just been a few months back, was it this year or some year before this? A I don't recollect, I know I have been here three trips in this case, but I forget what month it was in or what year.
Q Do you claim to be a Cherokee by blood? A Yes sir, I claim it.
Q Did you ever claim citizenship in any other way? A Yes sir, I tried to get before the Council and I couldn't.
Q What was the name of your father? A My father was named Moss Crittenden.
Q Is he living? A No sir.
Q Was he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q Did he live in the Cherokee Nation? A Yes sir.
Q In what District? A Yes sir, they lived in Goingsnake District, then he moved up here to Wagoner about the strip payment.
Q What is the name of your mother? A Emily ~~WEEVER~~ Crittenden.
Q Is her name Emily Weaver now? A Yes sir.
Q You have heretofore testified in her case, have you? A Yes sir.
Q She is living at the present time? A Yes sir, I guess she is, she was on the last time I heard from her.
Q How many times have you been married? A I have been married twice.

- Q What was the name of your first wife? A My first wife was named Josie.
- Q Did they ever call her by any other name besides Josie? A Josie Taylor before I married her.
- Q Was she a Cherokee by blood? A No sir.
- Q What was she? A A white woman.
- Q When were you and she married? A Now you are too hard for me, I couldn't tell.
- Q That was your first marriage was it, to her? A Yes sir.
- Q Do you know about what age you were when you married? A I was about 25 I think when I was married.
- Q Were you older or younger than she? A I was older than she is.
- Q Do you remember about how much older? A No sir, I don't.
- Q Is she living? A No sir, she is dead.
- Q How long has she been dead? A 20 years.
- Q Did you and she have any children? A Had two.
- Q What were their names? A One named Lewis and the other one was named James.
- Q Which was the older, Lewis or James? A Lewis was the oldest one.
- Q Is he living? A No sir he is dead, both of the children are dead.
- Q About how long has Lewis been dead? A 25 years.
- Q How old was he when he died? A 4 year's old I think.
- Q How long has James been dead? A I don't know hardly.
- Q Been dead a number of years? A He has been dead, I couldn't tell what year he died, the year the small pox was on Grand River.
- Q Along about 1882, wasn't it? A Yes sir, he died with the small pox.
- Q Did you ever know a person by the name of Joanna Crittenden?
A Yes sir.
- Q Who was that? A I just made a mistake there in the name, I will acknowledge to the truth, I made a mistake.
- Q Who was Joanna Crittenden? A She is my wife, the one I referred to as Josie.
- Q Called her by both names? A No sir, that is her right name, Joanna, I made a mistake.
- Q She was a white woman? A Yes sir.
- Q Can you read and write? A No sir, I can't.
- Q Could Joanna read and write? A Yes sir.
- Q Where were you born? A I was born in Polk County, Arkansas.
- Q When did you come to the Cherokee Nation first? A Directly after peace.
- Q Whereabouts to? A I crossed the Arkansas River at Fort Smith.
- Q In Sequoyah District? A Yes sir, we just come through.
- Q Where did you locate? A In Goingsnake District.
- Q How long did you live there then? A Who me, I don't remember how long, I didn't stay in there very long, then I went up on Grand River and stayed 6 years and come back to Goingsnake and stayed two years longer then come down in Canadian.
- Q Whereabouts on Grand River was it you lived? A Right at the mouth of Cabin Creek.
- Q Is that in what District? A Sequoyah I think they call it, I don't know.
- Q Sequoyah? A Yes sir, I think that is the name of the District, I aint certain.
- Q Do you know what town is close there now to where you lived?
A Vinita was the closest town when I lived up there.
- Q Was Vinita there then? A Yes sir.

- Q About how old were you when you lived up there? A Up where.
Q Up close to vinita? A I don't know, I couldn't tell.
Q Were you grown? A Yes sir.
Q Were you married? A Yes sir.
Q What was the name of your wife? A Joanna.
Q Did you have any children then? A Not when I moved up there.
Q Did you have any children born up there? A Yes sir, two.
Q Lewis and James? A Yessir.
Q You stayed up there about 6 years? A I stayed there 6 years and moved back to Goingsnake and stayed there two years and then come down to Canadian District.
Q About how long ago was it you went up on Grand River? A I can't tell you, I don't remember.
Q Which side of the M. K. & T. Railroad did you live? A I was on the east side.
Q Which side of Grand River? A On the side , the north side of Grand River.
Q Did you live on the west side of Grand River? A On the north side of Grand River, right at the mouth where---
Q You lived on the side of Grand River that Cabin Creek is? A Yes sir, Cabin Creek empties right into Grand River and I lived on the east side of Cabin Creek.
Q What is your best idea as to the number of years ago you lived up on Cabin Creek? A Well, I don't know, but as well as I can recollect, it has been about 22 years ago since I left there.
Q Could it have been less than that? A It may have been a little less, I couldn't say.
Q It might have been more? A Yes sir.
Q Have you ever made your home outside of the Cherokee Nation in your life? A No sir, I never have.
Q Lived in the Cherokee Nation continuously all your life? A Yes sir, I have been here all the time.
Q Have you any farm in the Cherokee Nation? A No sir, I did have and so ld it, I had one down here.
Q Have you any children now? A Yes sir.
Q What are their names? A The oldest one Josie and one William Crittenden.
Q How old is Josie? A I can't tell you just exactly, I have got her age, I think I have got it, I got it on a book there and I had her to write it off for me.
Q This memorandum handed me shows she was born on November 16, 1887, is that right? A Yes sir.
Q The next child is William ~~Stox~~ Crittenden, born February 15, 1890? A Yes sir.
Q The next one Lucy Crittenden, born January 2nd, 1893? A That is right.
Q The next one Steve Crittenden, born September 2, 1895 and John Crittenden born August 12, 1902? A That is right.
Q The next child, Henry Crittenden, born August 1, 1905? A That is right, this last August.
Q Are these children, Josie, William, Lucy, Steve, and John all living at the present time? A Yes sir.
Q Any of them married? A No sir.
Q Do they all live at home with you? A Yes sir.
Q What is the name of the mother of these children? A Jane Crittenden.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q You and she live together now? A Yes sir.
Q She the mother of all these children? A Yes sir.
Q When were you and she married? A I don't remember that.

- Q Don't know? A Not to the day, I don't.
Q Do you remember what year it was? A No sir, I don't.
Q How long had you been married when Josie was born? A About two years, a year or two.
Q Did you get a license when you married? A No sir, I never.
Q Were you married by a preacher? A No sir.
Q Who married you? A The Clerk.
Q The Clerk of what court? A The District Clerk I reckon.
Q Of what District? A Goingsnake.
Q What was his name? A His name was Jack Wright.

BY MR. HASTINGS:

- Q Did you ever live in Cooweescoowee District? A I think that is the District I lived in up there on Grand River.
Q How far did you live from the mouth of Cabin Creek? A I couldn't say for certain, but it wasn't over a quarter of a mile or a half from where it empties into the river.
Q On which side of Cabin Creek the east or west? A On the east side.
Q Is that the only place you ever lived up in that section of the country outside of Goingsnake and ~~Santa~~ Canadian? A Of course I rented up there, but I stayed on that place where I am speaking about two years.
Q Then where did you move? A Come to Goingsnake District then.
Q Did you first live up there two years? A No I stayed there 6 years, I live on the east side of the Grand River.
Q You say you lived on the east side and moved over on the north?
A No, I moved from the east side to the north.
Q Did you ever live up there other than this place about a half mile east of Cabin Creek? A I don't remember, I think I made 3 or 4 moves before I lived on that place.
Q Were those moved there on the west side of Grand River or east side? A They were there where I was on the south side.
Q Did you ever live on the west side of the M. K. & T. railroad?
A No sir, I never did.
Q You know that? A No sir.
Q You never lived on the west? A If I did I don't remember.
Q Then you never did live in Cooweescoowee District? A Maybe it wasn't Cooweescoowee District, but I know I didn't live on the west side of the M. K. & T. railroad.
Q Do you know where Rock Creek is up there? A Yes sir.
Q Did you ever live south of that? A No sir.
Q You always lived north of Rock Creek and east of the M. K. & T. railroad? A Yes sir.
Q Do you know where Delaware District is? A Yes sir.
Q Did you ever live in it? A I might have, I don't know.
Q But you know you never lived south of Rock Creek or west of the M. K. & T. railroad? A No sir.
Q What man owned the place you lived on? A The last place I lived on was owned by a man named Cornatzer.
Q Siras Cornatzer's father? A Yes sir.
Q What side of Cabin Creek was that? A On the east side.
Q How far from Grand River? A About a half mile.
Q What other place did you live on up there? A The old George Scrap per.
Q What side of Grand River was that on? A On the east side.
Q Did you live on any other place besides the Siras Cornatzer place on the north or west side of Grand River? A Well that place I told just now.
Q You said that was on the other side of Grand River? A Well yes.

- Q I don't want to know that, I am trying to get you on the other side except the Cornatzer place? A No sir, I never did.
- Q Then you never lived on but one place there? A I lived on one of his places right above there two months, then I moved down there, I don't remember how long I was in that little house, then he rented me the other place, there was no farm land on the place I was living on, there wasn't no field there and I rented the lower place. The other place was on Cabin Creek and right above that place.
- Q On the east side of it? A Yes sir.
- BY THE COMMISSIONER:
- Q Do you know where Cabin Creek runs into Grand River? A Yes sir.
- Q How far did you live from there? A About a half mile I think, right above.
- Q Which way was the mouth of Cabin Creek to where you lived?
A Right south.
- Q It was south from where you lived? A I don't know whether it was right due south but I lived up and the creek run down this way.
- Q You lived then on the east side of Cabin Creek? A Yes sir.
- Q Did you ever live on the West side of Cabin Creek? A No sir, never did.
- Q Cabin Creek was between you then and the M. K. & T. railroad?
A Yes sir.
- Q Did you ever live between the M. K. & T. railroad and Cabin Creek? A No sir, never did.
- Q Did you ever live at any place up there where the M. K. & T. would be between you and Cabin Creek? A No sir, I don't think I ever did to the best of my knowledge.
- Q Did you ever know anybody by the name of Anthony Crittenden?
A That is my name.
- Q Did you ever know anybody else by that name? A No sir, I don't believe I ever did, I heard the name but never got acquainted with them.
- Q Did you ever know anybody by the name of Joanna Crittenden other than your wife? A No sir.
- Q Did you ever draw any money from the Cherokee Nation? A No sir.
- Q Was your name ever placed on any of the rolls of the Cherokee Nation that you know of? A No sir, not as I remember, I don't think it ever was.
- Q Did you ever apply to the Commission to the Five Civilized Tribes in 1896 for admission to citizenship in the Cherokee Nation?
A No sir, I don't think I did.
- Q Do you remember the time of the taking of the 1896 Census roll by the Tribal authorities of the Cherokee Nation? A Yes sir, I remember that.
- Q Did you try to get on that roll? A I tried but couldn't get on.
- Q Why? A They wouldn't put me on it.
- Q Do you know the reason? A No sir, I don't know that.
- Q Did they come to your house when they were taking the census?
A Yes sir they come.
- Q Did you talk with the Census takers? A I talked with them ~~me~~.
- Q Who took the census then? A I don't remember who, I think it was William McLain.
- Q Did he say why he wouldn't place your name on the roll? A No sir.

- Q Have your children lived in the Cherokee Nation continuously all of their lives? A Yes sir.
- Q Always lived with you and your present wife? A Yes sir.
- Q You and she have lived together continuously since you were married? A Yes sir.
- Q Can you supply this office with a copy of your marriage license when you were married? A Yes sir, I can send it in, I have got it at home.

A copy of the testimony taken in this case at this time will be filed in Cherokee D-1483 and D-1484.

This case is closed and a decision will be rendered upon the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 9th day of October, 1905.

Bruce Jones

Notary Public.

APPROVED

Cherokee D 1482

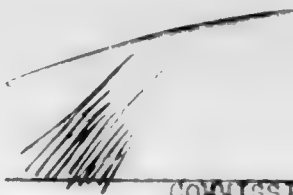
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of
Anthony Crittenden, et al., as Cherokee Freedmen.

---:--

O R D E R .

It is hereby ordered that a copy of the testimony of
Anthony Crittenden taken on July 20, 1905, at Muskogee, Indian
Territory, in re application of Emily Weaver for enrollment as a
Cherokee citizen, be filed herewith and made a part of the record
in this case.



COMMISSIONER

dated at Muskogee, Indian Territory,
this NOV 1 1905

AGM^o

Cherokee D 1482

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Anthony Crittenden, et al., as Cherokee Freedmen.

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made a plication for the enrollment of Tony Crittenden, his family and descendants as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had before the Commissioner, on October 5, 1906, at Muskogee, Indian Territory. A copy of the testimony of Anthony Crittenden taken on July 20, 1906, at Muskogee, Indian Territory, in re application of Emily Weaver et al. for enrollment as Cherokee citizens is filed herewith and made a part of the record in this case.

THE EVIDENCE IN THIS CASE SHOWS: That the proper name of the applicant, Tony Crittenden, is Anthony Crittenden; that he was born prior to the commencement of the rebellion, and at the beginning thereof was the slave of a Cherokee citizen; that his father was Moses Crittenden, deceased, who was a Cherokee by blood, and that his mother is Emily Weaver, who, under the ruling of the Department in the case of Mary Crittenden, et al. (I.T.D. 3484-03), has heretofore been classified as a Cherokee Freedman; and that on September 1, 1902, the family and descendants of the said Anthony Crittenden included his wife, Jane Crittenden, who claims only by intermarriage, and their minor children, Josie, William, Lucy, Steve and John Crittenden.

The principal applicant will now be listed for enrollment as Anthony Crittenden, and under the ruling of the Department in the case of Mary Crittenden, et al., supra., he and the minor applicants herein will be classified as Cherokee Freedmen.

The evidence in this case further shows that the principal applicant, Anthony Crittenden, is identified on the Cherokee authenticated tribal roll of 1880, and since that year, up to and including September 1, 1902, has continuously resided in the Cherokee Nation; and that the minor applicants are children of the said Anthony Crittenden, were born since 1860, and have continuously lived in the Cherokee Nation since birth.

The evidence further shows that the applicant, Jane Crittenden, is a white woman, and possesses no rights to enrollment as a Cherokee citizen other than those obtained by virtue of her marriage to the said applicant, Anthony Crittenden.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 25, 1898 (30 Stat., 495), Anthony Crittenden, Jessie Crittenden, William Crittenden, Lucy Crittenden, Steve Crittenden and John Crittenden, are entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly granted; and that, under the provisions of section Twenty-one of the Act above noted, and following the ruling of the Department in the case of Leavel Welcome, (I.F.D. 4633, 11776-1904), Jane Crittenden possesses no rights to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.


COMMISSIONER

Dated at Muskogee, Indian Territory,

this _____

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
JAN 21 1924
250
Five Civilized Tribes

WASHINGTON, January 15, 1924 ~~192~~


I, E. B. Meritt ^{Assistant} _____, Commissioner

of Indian Affairs, do hereby certify that the papers hereto attached

_____ are _____ true copies of the originals as the same

appear on file _____ in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed on the day and year first
above written.



Assistant Commissioner.



DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
JAN 21 1924
NO. 255
Subt. Five Civilized Tribes

WASHINGTON, January 15, 1924

I, E. B. Meritt Assistant, Commissioner

of Indian Affairs, do hereby certify that the papers hereto attached
are true copies of the originals as the same
appear on file in this Office.

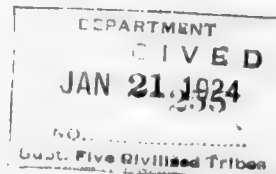
IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed on the day and year first
above written.


E. B. Meritt
Assistant Commissioner.



a

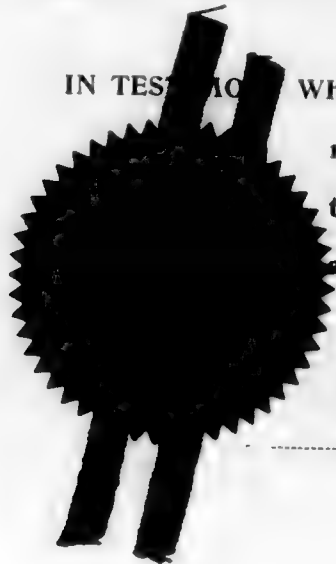
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



WASHINGTON, January 15, 1924

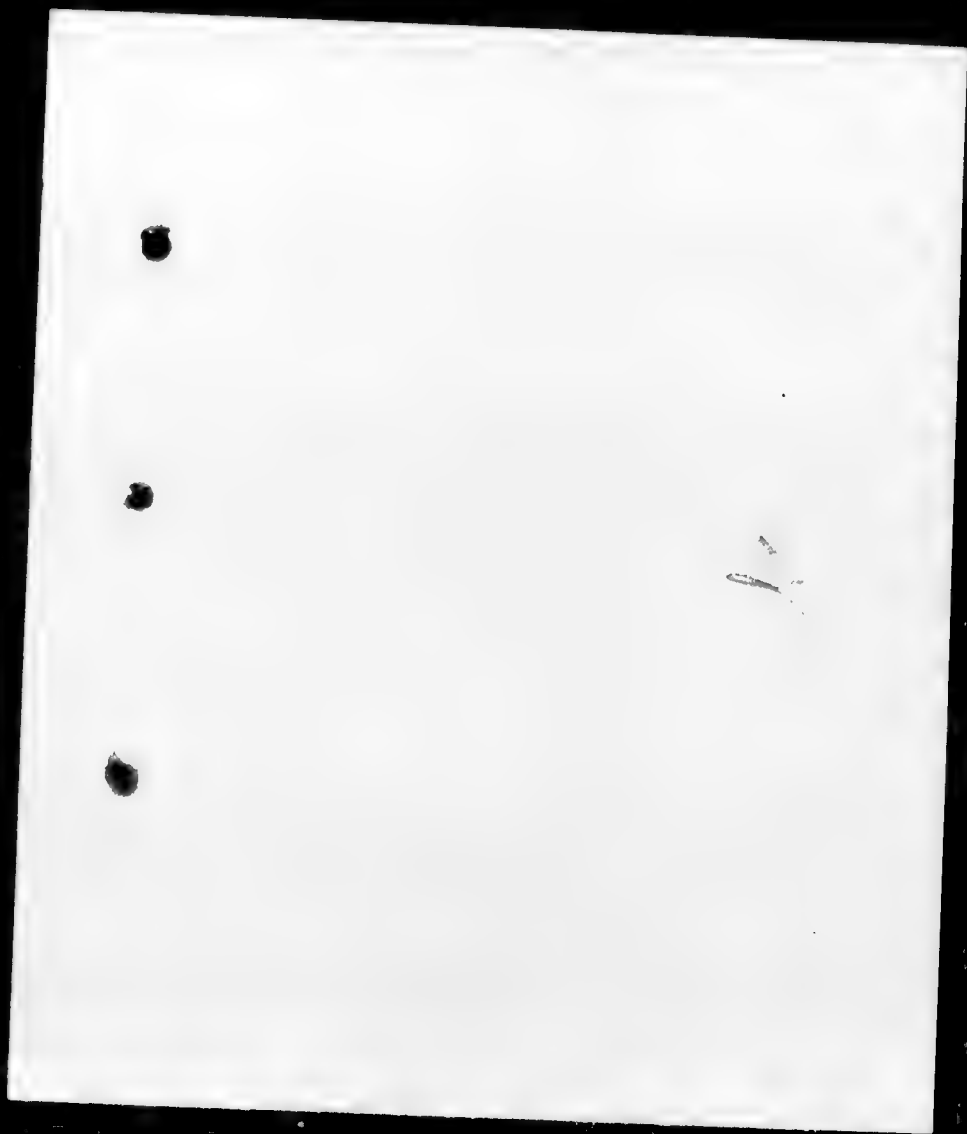
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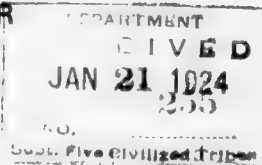


E. B. Meritt
Assistant Commissioner.





DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

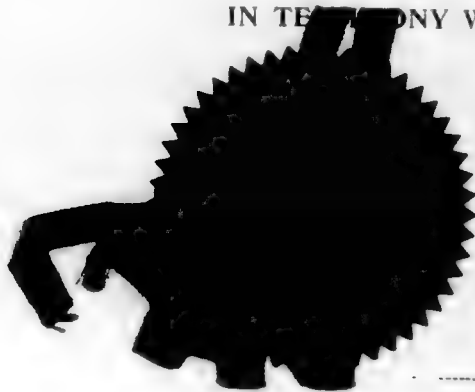


WASHINGTON, January 15, 1924

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name, and caused the seal of this Office
to be affixed on the day and year first
above written.



Assistant Commissioner.

W



1915
1918

IN RE
Application for Enrollment of
INFANT CHILD
Luz Britlander
as a citizen of
Cherokee Nation
Approved *NOV 4 1905* 190
Commissioner.

Application for enrollment
made June 30, 1902 JH

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

FILED
NOV 4 1905

Commissioner

NOTARY PUBLIC
Coapt L. L. C.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

RECEIVED
JAN 21 1924
255
Five Civilized Tribes

WASHINGTON, January 15, 1924

I, E. B. Meritt Assistant, Commissioner
of Indian Affairs, do hereby certify that the papers hereto attached
are true copies of the originals as the same
appear on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this Office
to be affixed on the day and year first
above written.



E. B. Meritt
Assistant Commissioner.



Cherokee
D 1482

COPY.

Muskogee, Indian Territory, August 26, 1905

Anthony Crittenden,
Hereford, Indian Territory.

Dear Sir:

You are requested to advise this office whether or not you have ever been known by the name of "Tony Crittenden," and whether or not you have ever lived in Cooweescoowee District, Cherokee Nation. You are also requested to advise whether or not you had any relatives by the names of Joanna and Lewis Crittenden, who, if living, would now be about forty-two years and twenty-five years old, respectively.

This information is desired in connection with certain applications for enrollment as citizens of the Cherokee Nation pending before this office.

Respectfully,

(SIGNED).

Tame Dixby.
Commissioner

MSB

COPY.

Comm. To The Five Civ. Tribes.

Gentlemen: In reply to your request of Aug. 26, I never was known as Tony Crittenden, but did live in Coowascoowee Dis. 5 or 6 years - leaving their about 20 years ago.

Never knew a Joanna Crittenden, but had a son who would be about 25 years of age if living, name Levin.

Respectfully,

Anthony Crittenden.

Anthony Crittenden

Cherokee D 1482.

Muskogee, Indian Territory, September 22, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that Anthony Crittenden of Warner, Indian Territory, has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, October 5, 1905, in order that this office may determine as to whether or not he has any right to enrollment as a citizen of the Cherokee Nation.

The Cherokee Nation will be permitted to appear on that day and introduce any testimony it desires in connection with the enrollment of the said Anthony Crittenden.

Respectfully,

LS

Acting Commissioner.

Cherokee D-1482.

Muskogee, Indian Territory, September 22, 1905.

Anthony Crittenden,

Warner, Indian Territory.

Dear Sir:

You are hereby directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, October 5, 1905, in order that this office may determine whether or not you have any right to enrollment as a citizen of the Cherokee Nation. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it desires in reference to your enrollment.

Respectfully,

LS
Register

Acting Commissioner.

Muskogee, Indian Territory, October 20, 1905.

Anthony Crittenden,

Warner, Indian Territory.

Dear Sir:

There are inclosed herewith blank forms of birth affidavits which you are requested to have properly filled out and returned to this office showing the birth of your children, Josie, William, Lucy, Steve, and John Crittenden. You are also requested to, if possible, forward to this office your marriage license and certificate showing the marriage to your present wife, Jane Crittenden.

As this matter is important, you are directed to give it your immediate attention.

Respectfully,

Incl. GL-9.
GHL

Commissioner

Cherokee B-1182.

COPY.

Muskogee, Indian Territory, November 7, 1905.

Anthony Crittenden,

Warner, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of November 2, transmitting affidavits as to the birth of your minor children. You state that you have been unable to find your Marriage Certificate, and ask to be advised if the affidavit of some one who was present at your marriage will answer.

In reply you are advised that the affidavits as to the birth of your children, Josie, William, Lucy, Steve and John Crittenden being in due form have been filed. The affidavit as to the birth, on August 1, 1905, of your child, Henry Crittenden, is returned herewith, and you are advised that the Cherokee Agreement, proclaimed August 12, 1902, provides that the roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and no child born thereafter to a recognized and enrolled citizen of the Cherokee Nation shall be placed on said roll.

You are further advised if additional information is, in the future, needed as to your marriage to your present wife,

you will be duly advised of the same and be given an opportunity to furnish such evidence.

Respectfully,

SIGNED:

H. G. W. W. W.
Commissioner.

Incl. S-99.

Cherokee D-1482.

COP

Muskogee, Indian Territory, November 7, 1905.

Chief Clerk,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of names, information and notations to be made on Cherokee card, Field No. D-1482, Tony Crittenden.

There are also inclosed notations to be made on the following Cherokee cards:

D-2769,
D-2763, and
4213.

Respectfully,

SIGN

Tame Bixby.
Commissioner.

Incl. S-36

Cherokee D-1482.

COPY.

Muskogee, Indian Territory, November 16, 1905.

W. V. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated November 15, 1905, making certain testimony taken in the matter of the application for the enrollment of Emily Weaver as a Cherokee citizen, a part of the testimony in the matter of the application for the enrollment of Anthony Crittenden, et al., together with a copy of said testimony.

Respectfully,

(SIGNED)

Tamm Dixby.
Commissioner.

Incl. S-186

Muskogee, Indian Territory, December 27, 1905

The Honorable,

The Secretary of the Interior.

Sir :

There is transmitted herewith the record of proceedings had in the Cherokee freedman enrollment case of Anthony Crittenden et al., including the Commissioner's decision dated December 27, 1905, granting the application for the enrollment of Anthony Crittenden and his minor children, Josie, William, Lucy, Steve and John Crittenden, as Cherokee Freedmen and rejecting the application for the enrollment of Jane Crittenden as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Incl. B-79

Commissioner

Through the

Commissioner of Indian Affairs.

Cherokee
D 1482

Muskogee, Indian Territory, December 27, 1905.

Anthony Crittenden,
Warner, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes granting the application for the enrollment of yourself and your minor children, Josie, William, Lucy, Steve and John Crittenden as Cherokee Freedmen, and denying the application for the enrollment of your wife, Jane Crittenden, as a citizen of the Cherokee nation by intermarriage. There is also inclosed a copy of the record of proceedings had in your case.

The decision, together with the record of proceedings had in this case has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is advised of the same.

Respectfully,

Incl. B 53
Register.

Commissioner.

Cherokee
D 1482

Muskogee, Indian Territory, December 27, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application for the enrollment of Anthony Crittenden and his minor children, Josie, William, Lucy, Steve, and John Crittenden, as Cherokee Freedmen, and denying the application for the enrollment of Jane Crittenden as a citizen by intermarriage of the Cherokee nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. B-54.

Commissioner.

EMPTY

Cher Fr 1524

Trans. from Cher Fr D350

Cher Fr 1524

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T.; MAY 17th, 1901.

In the matter of the application of Joe Ross for enrollment as a Cherokee Freedman; said Ross being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Joe Ross.
Q How old are you? A About 56.
Q What is your post office? A Chouteau.
Q In what district do you live? A Cooweescoowee.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Are you a recognized Freedman of the Cherokee Nation? A Always have been.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Father is named Dave Ross.
Q Is he dead? A Yes sir.
Q How long since he died? A 27 years.
Q Give me the name of your mother? A Mother was named Louisa Ross.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A 40 years.
Q In what district were you in 1880? A Cooweescoowee.

The 1880 Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

- Q Have you been married? A Yes, sir.
Q Was your wife a Cherokee Freedman? A No, sir, she was a Creek.
Q Have you ever applied for enrollment to any other tribe or Nation?
A No, sir.
Q Is your wife living? A Yes, sir.
Q What is her name? A Salina Ross.
Q You have never had her enrolled on the Cherokee rolls? A In bred times they enrolled her when they paid out that bred money.
Q Is she enrolled in the Creek? A Yes, sir.
Q Have you children? A Yes, sir.
Q How many children? A We have about eight.
Q Are they all enrolled as Creeks? A Yes, sir.
Q Did you draw Cherokee strip money? A Yes, sir.

The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 104, #2597, Joe Ross, Cooweescoowee.

BY J. S. DAVENPORT, Cherokee Representative:

- Q How, to whom did you belong at the breaking out of the war?
A Akey Webber.
Q Where was she living? A Tahlequah District.
Q She lived at the Double Spring what is now the public high school?
A Yes, sir.
Q Who was living down there at the time? A I was quite small I don't know, old Indian they called Bald Face Arch.
Q And they? A Eliza Hughes.
Q Who was living in Tahlequah at that time that you remember?
A Oh, a whole lot of them, Ed Johnson Thompson and a ~~man~~ whole lot of them.
Q Johnson Thompson was living there at the breaking out of the war?
A Yes, sir, I seed him there.
Q Was he living there at the close of the war when you returned to the Cherokee Nation? A I returned here in Cooweescoowee District.
Q When was the first time you saw Johnson Thompson at Tahlequah?
A About 1880 or '85.
Q Well, who else did you see or know at Tahlequah at the breaking out of the war? A I don't remember.
Q You were large enough to remember to whom you belonged?

Joe Ross.--2

A Yes, sir.

Q How old were you when the war broke out? A About nine years old.

Q Where did you go during the war? A Went to Kansas.

Q Up about what place? A Maund City, Lind County

Q How long did you stay there? A About eighteen months.

Q When you came back where did you go? A Big Creek, saline district, come back to Sam Webbers.

Q What year did you return? A 1866, July 9th.

Q You came back how long after the treaty was made? A I come back in 1866.

Q I saw how long after the treaty was made when you came back?

A I was here when the treaty was read.

Q I ain't asking you when the treaty was read? A It was read at Tahlequah.

Q You didn't know anything about the treaty when you came back to the Cherokee Nation? A I heard about the treaty.

Q Had you heard before you left Kansas that the treaty had been made? A I heard it was going to be.

Q Did you hear it was made? A I don't know; my grandfather said we had to come and Sam Webber and meet the treaty.

Q Sam Webber brought you back here to meet the treaty? A Brought me back home.

Q You came back to what point in the Cherokee Nation? A Big Creek,

Q To where Jim Martin lives? A Yes, sir, he come back after I come back.

Q When you left Big Creek where did you go? A Tahlequah district.

Q You left the Cherokee Nation and stayed about six years?

A No, sir.

Q Did you testify before the Kerns-Clifton Commission?

A Yes, sir.

Q You have never lived anywhere else except the Cherokee Nation since you came back? A I was over in the Creek Nation a time or two.

Q How long would you stay there? A Short time, I was over there preaching.

Q Who came back with you? A Sam Webbers, Dan Sanders, Mike Whitmire, Dennis Whitmire, he is right out here now.

Q The Dan Sanders that came back with you the one commonly called Tuck? A Yes, sir.

Q He lives up on Big Creek yet? A Yes, sir.

Q Mose Smith came back with you too, didn't he? A He come a little after I come back.

BY COMMISSIONER BRECKINRIDGE:

Q How comes you are not on the roll of 1880? A They taken me to be a Creek negro at that time.

Q You applied to them for enrollment in 1880? A We was enrolled, I am on the 1880 census roll and the 1880 pay roll.

Q And then they struck you off because you were a Creek? A I suppose so, Mr. Keyes knows.

Q How comes you are not on the census roll of 1896? A I went to the post office there at Chelsea, Jack Riley and some of them was asking the roll and they would not enroll me.

Q Did they state why? A They said I was not on the 1880 roll.

Q Akey Webber to whom you say you belonged, was she a recognized citizen of the Cherokee Nation? A Yes, sir, I was her slave.

Q Is there some one here who came back with you in 1866?

A Yes, sir, Dennis Whitmire.

DENNIS WHITMIRE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Dennis Whitmire.

Joe Ross, --3.

- Q How old are you? A Well, I guess I am about 56.
- Q What is your post office? A Hayden, I. T., Lightning Creek, Cherokee Nation.
- Q How long have you lived in the Cherokee Nation? A Oh, I lived here all my life. A little time in the war I went away from here, but I have been living here all my life.
- Q Do you know the applicant here, Joseph Ross? A Yes, sir, I know him.
- Q How long have you known him? A I have knowed him ever since he come back here, it has been about 30 years I guess as near as I can recollect.
- Q Where did you get acquainted with him? A Got acquainted with him up here whe he lived on Big Creek.
- Q Were you living there near where he come back? A I was living below there, but it was not over very far from where he was living, about seven or eight miles, I was often up there, saw him passing.
- Q You were living there when he got back? A Yes, sir, I was living here on Lightning Creek when he got back.
- Q How long had you been living there when you saw him after the war? A I had been living there as much as a year.
- Q When did you come back after the war? A I got back in 1866.
- Q What time in 1866? A I could not just really tell you.
- Q Was it in the summer? A In the fall of '66 when I come.

BY J. S. DAVENPORT, Cherokee Representative:

- Q You saw him about a year after you got back? A Yes, sir.
- Q And you got back in the fall of 1866? A Yes, sir.

COM'R BRECKINRIDGE:--The applicant states that he was a slave in the Cherokee Nation at the breaking out of the Civil War, that he was carried to the state of Kansas during the war and returned in July, 1866. He is not identified on the roll of 1880, or on the roll of 1896, but he is identified on the Kerns-Clifton roll. For the further consideration of the testimony as set forth in his case, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be communicated to him at his post office address. He is desired to supply the Commission with further evidence substantiating his claim that he returned to the Cherokee Nation in time to qualify under the treaty of 1866.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 18th day of May, 1901.

Commissioner

Commissioner.

73.

J. P. 250

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

17 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 17 1861*
Post Office *Chouteau St.*
District *Crowscreek*

1. Name *Joe Ross* Age *50*
Owner's name *Hay Webber* Citizenship
Year *Mo* Page *104* No. *2597* District *Gov*

Parents:
Father *Road Ross - dead* Citizenship
Mother *Louisa " - dead* Citizenship

2. Name of wife
Owner's name
Year Page No. District

Parents:
Father
Mother

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *Ms.*

Stenographer *J. L. Ross*

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 3, 1901.

Supplemental testimony in the matter of the application of Joe Ross for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Joe Ross.
Q What is your age, Mr. Ross? A About fifty.
Q What is your postoffice address? A Chouteau.
Q What district do you live in? A Coowessocowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A I have applied; I want to put in additional testimony.

Sam Webber, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Sam Webber.
Q What is your age, Mr. Webber? A About 58.
Q What is your postoffice address? A Nowata.
Q Are you a Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q Do you know Joe Ross, the applicant? A Yes sir.
Q How long have you known him? A Ever since he was born.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A Alkey Webber.
Q Was she a Cherokee citizen - an Indian? A Yes sir.
Q Do you know whether Joe Ross was taken out of the Cherokee Nation during the war between the North and South? A Yes sir.
Q Where was he taken? A To Kansas.
Q Do you know when he returned to the Cherokee Nation? A In '66; he come with us.
Q And you returned in '66? A Yes sir.
Q Your name is on the roll of 1880? A Yes sir.
Q Has he been living in the Cherokee Nation continuously since that time? A Yes sir; I don't know him anywhere else.
By W. W. Hastings, Cherokee Attorney: You live on Big Creek? A I did then; I live by Nowata now.
Q You came back to Big Creek in '66? A Yes sir.
Q How far is that from the mouth of Snow Creek? A It is, as near as I can guess at it, about fifteen miles.
Q Snow Creek empties into Big Creek? A No sir, runs into Verdigris.
Q And Big Creek empties into Verdigris? A Yes sir.
Q You came down with your father and quite a number of your people, so you testified the other day, in the fall of '65? A Yes sir, came down on a hunt and went to Gibson.
Q You testified that your father and a delegation went up to see Chief Lewis Downing in the fall of '65? A Yes sir.
Q You are the same man? A I told you went to see them. I don't know I told you the time or not.
Q Well, about what time? A I don't know what time really; I went to Gibson and I never seen him anymore until I went back to Kansas in March.
Q Didn't you say that was your business at that time at Gibson? A I said father went to see him and when I seen him he said he saw Lewis Downing.
Q That is what you testified the other day? A Yes sir.
Q You didn't go back with your father? A No sir, with Jesse Brown.
Q Is he alive? A No sir, he is dead.
Q Anybody else that is alive that went with you to Fort Gibson? A No one that I know of.
Q Well, you testified that you spent the winter up here hunting on the Verdigris River? A Yes sir.
Q You were a witness in a good many cases, five years ago? A Yes sir.
Q You never thought to mention the fact that you spent the winter

2- J. R.

of '65 here then? A Nobody asked me.

Q You never mentioned it, did you? A No sir; I did speak to Mr. Keys about it privately.

Q I mean under oath? A No sir, I never said it then that I can tell.

Q Well, when was the second time you came down here? A The last part of July.

Q When did you move your family here? A In the fall.

Q What time in the fall? A I don't know for certain-along in the fall.

Q Was it getting coldweather? A It was getting along in the fall; I don't remember the date.

Q Was there any families that had moved down before that time? A No sir.

Q You were located on Big Creek then? A Yes sir.

Q That was the first crowd that came down? A Yes sir, the first crowd.

Q Late in the fall of '66? A Yes sir, along in the fall.

Q Where did you get anything to eat? A They took pack horses and carried it from Fort Scott; when we didn't have anything we eat greens, and pork when we could get it.

Q You ate that in the winter - you ate pork salad in the winter? A No, we ate wild game when we killed it.

Q Did you know John Kinney? A I knowed them after he come with the Delawares.

Q Who did you see up there in the winter of '65? A When we were hunting, the crowd was with me.

Q You belong to an association of colored people, or colored men - a protective association now, do you? A I belong to the K. P. Lodge.

Q I mean colored people's protection up here, now don't you know? (No response.)

Q Haven't you colored people up there organized into an association? A I suppose they are organized. I live across the river.

Q You belong to them? A I joined them some time ago.

Q And you have been holding meetings there? A I haven't; I have been at home all winter with sickness, pneumonia.

Q Have you attended those meetings? A I went to one meeting. I met Dan Sanders and Reuben there.

Q Is that the last one you attended? A The last one I know anything about.

Q Who is president of that association? A I don't know who is.

Q You don't know who is Secretary? A No sir, I don't.

Q You don't know who the Executive Committee is? A No sir.

Q You swear positively that you attended but that one meeting? A That is all I know anything about.

Lewis Whitmire, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Lewis Whitmire.

Q What is your age, Mr. Whitmire? A I am about 62, as near as I know my age.

Q What is your postoffice address? A Hayden.

Q What district do you live in? A Cooweescoowee.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q Do you know Joe Ross? A Yes sir.

Q Is your name on the roll of 1880? A Yes sir.

Q How long have you known Mr. Ross? A I have knowed him ever since I was quite a boy.

Q Was he a slave? A Yes sir.

Q To whom did he belong? A He belonged to the Webber family; that is all I know about it.

Q Do you know where he was during the war between the North and South? A He was with his grandfather during the war.

Q Where? A Part of the time in Kansas.

Q Do you know when he returned to the Cherokee Nation after the war? A I know his grandfather brought him back from Kansas to the

Cherokee Nation.

3- J. R.

Q What year? A '66.

Q Have you known him since that time? A Yes sir, I have known him ever since that time.

Q Has he always lived in the Cherokee Nation ever since that time? A Always while I knowed him.

Q How do you know his grandfather brought him back in '66? A Why I seen him.

Q Was you with him? A I was with him when he come.

Q You came in '66? A Yes sir.

W. W. Hastings: Who did you say his grandfather was? A Sam Webber.

Q Did you come back when Sam Webber come? A Yes sir, I come when he come.

Q Along with that same crowd? A Yes sir.

Q Sam Webber and old Sam Webber come? A Yes sir.

Q And you came when they come? A Yessir, we all come together.

Q That was in the fall of '66? A Yes sir.

Q Was Joe a grown man then? A He was a young man then; he wasn't grown then.

Q Who was he living with when he come here? A He was living with his grandfather a while, and he quit his grandfather and went to his father's Dave Ross, he was running then a ferry near Gibson there for a while after the war. I knowed his father.

W. W. Hastings of Applicant: Did you ever apply to the Cherokee Supreme Court for admission to citizenship? A No sir.

Q Were you down before that Bob Daniels' Court? A No sir, didn't know anything about it.

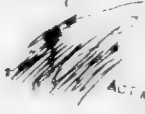
The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of June, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of ~~Joseph Ross~~ **Joe Ross**
for enrollment as Cherokee Freedmen;
Case No. F. D. **350.**
To **Joe Ross, Chouteau, I. T.:**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Vinita,** Indian Territory, on **October 7th, 1901, at 8 o'clock A. M.,** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **October 5th, 1901.**

L. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 7th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Joe Ross as a Cherokee freedman, introduced on part of the Cherokee Nation.

APPEARANCES:

Mr. Mellette, Attorney, appears for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to Mellette & Smith appearing as attorneys in this case, for the reason that the record shows that they do not represent him and they themselves state that they do not represent the said Joe Ross.

Com'r Needles: The objection will be entered and overruled.

Mr. Hastings: The representatives of the Cherokee Nation further ask that this ruling be forwarded to the Secretary of the Interior as a special ruling of the Commission for review.

MR. MELLETTTE: The reason I want to appear is Mr. Webber says he is his sister's son and asked me to appear and I told him I would do so.

COM'R NEEDLES: The ruling and objection made by the Cherokee Nation will be forwarded to the Secretary of the Interior in connection with the testimony and record in the case.

JAMES WALKER, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. HASTINGS: What is your name? A James Walker.

Q What is your post office? A Present time Critzer, Linn County, Kansas.

Q How long have you lived in Linn county, Kansas? A Well, since the spring of '57, I moved in there about the first or second day of May, '57.

Q Where were you living when the war closed in '65? A My family was there in Linn County on the farm, where they had been, I don't know particularly where I was myself, I was away off and around a great deal.

Q What was your nearest town in '65? A Mound City.

Q Where did you live in 1866? A My family was still there.

Q On this same farm? A Same farm.

Q Did you know a man of the name of Fleming? A Yes, sir, I knew him well.

Q His son was in here the other day? A Yes, sir.

Q Did you purchase a place from Fleming? A Yes, sir, I purchased a place from Jefferson Fleming.

Q How far was that place from the one upon which you were living? A It joined it on the south side.

Q When did you purchase the place? A Well, like other bargains it took some little time talking, it was in the spring, tolerable early I think it was about that Fleming and I came to an agreement about the purchase of it.

Q Now, when was it consummated and the deed passed? A Well according to the contracts it was in September of 1866.

Mr. Mellette: The defendant desires to object to any testimony as to when a deed passed for any property upon the ground that the deed is the best evidence.

Witness: There is my deed (referring to paper), I got that from the Recorder last week.

MR. HASTINGS: What date does it show? A 24th of September.
Q Have you got your glasses? A Yes, sir, but I can't get them out with one hand.
Q Where are they? A In this Pocket: Section 6, 23--24, dated September 24th, 1866, for the consideration of \$1580.
Q Now, where did you get this memorandum? A Well, I got that from the Recorder of Linn County.
Q When? A Last Wednesday.
Q Did he take it from the records? A Yes, sir, and I saw the record and asked him to do it for me.

Mr. Mellette: The applicant asks that all the evidence of this witness given as to the date of that transfer be stricken out upon the point that the record is the best evidence.

Com'r Needles: The objection will be entered.

Q Who was living on this place when you bought it in 1866?
A Samuel Webber was on it.
Q Was Samuel Webber a colored or white man? A Colored man.
Q Did he have any family? A Yes, sir, considerable many.
Q Did he have a son by the name of Sam? A Yes, I know him.
Q I will ask you if this is the young Sam here (referring to Sam Webber)? A Yes, sir, that is the same man.
Q Was Sam Webber on the place you say when you purchased it? A Yes, sir, he was on it and had possession.
Q How long did his possession continue to run after you purchased it?
A Well, he had possession that year you know and we could not put him off and some how or another I ~~didn't~~ don't remember that I wanted him off.
Q Well, for how long? A He had it for that year until the next March.
Q When did he leave that place, Sam Webber? A Well, he made a crop and according to the best of my knowledge-
Q I mean with his family? A I saw according to the best of my knowledge and I saw him yesterday and I talked to him friendly enough, I believe it was late in the winter or beginning of spring.
Q About what month? A I should think it was as late as February, it might have been a little later.
Q What makes you think that? A Well, now, I will just tell the way of it-
Q Just as short as you can? A I did have a good friendly interest in him, and knew then about him, this idea about him wanting to come down here and I don't know anything about the dates he set; I used to hurry him to come and why he let good weather go past and had to pull out when it was raining.
Q Are you positive he never left there before Christmas? A I think he was there Christmas and know it about; I am only doing the best I can with my recollection, I have no interest, anyway shape or form.
Q This date of transfer that you are absolutely positive about?
A Yes, sir.
MR. MELLETTE: Did you point to Sam Webber a while ago?
A Yes, Young man.
Q Which one? A The young man that is him right there.
Q Well, you say that he was on that place in '66? A His father was.
Q Well, you don't know where this young man was then? A I

wouldn't be positive about where he was; he was going and coming.

Q He was coming to the Nation and going? A I could not say as to that, I wasn't there a that summer a great deal myself after he had possession, he did have possession when I bought it.

Q That is old Sam Webber? A Yes, I was following the business of Stone Mason then and I was most of the time at Fort Scott, very often that I was there I didn't come home oftener than a month and two months and in the meantime he may have come and gone/

Q You kept urging old man Sam Webber to come down here to the Nation? A Yes, sir, he said he would not get his rights unless he come within a certain time.

Q That was old man Sam Webber said that if he didn't come within a certain time he would not get his place? A Yes, sir.

Q Now, you don't know when he did come down here? A Not the date.

Q It has been a long time ago, hasn't it? A Yes, sir.

Q You know that he talked about coming? A Oh, yes.

Q Now, you said he held the place, would have held the place until March, '67? A He could have held it.

Q You don't know whether he did or not? A Well, he come mighty near it.

Q Now, I will ask you if in July, 1866, old man Sam Webber and young Sam Webber here didn't come to the Cherokee Nation with old man Mike Sanders? A Well, sir, I can't tell you, I don't know Mike Sanders from a side of sole leather.

Q You don't know whether you were there when they got in there or not? A I don't know/

Q They may have come to the Cherokee Nation as far as you know? A Yes, sir/

Q They had their stuff back there on that place didn't they? A Yes, sir; living there with their family and made that their home.

Q Do you know they all got away from there in 1866 or not don't you? A No, sir, they stayed there and made that crop.

Q This '66 crop? A Yes, sir.

Q They didn't make ~~up~~ it up in the fall? A They was there in the fall and helped me move the fence around about 24 or 5 acres on that place they worked on and my place that I had and we put them together and swung them together that I took in the north eighty they were on and biggest position of mine.

Q That was in the fall of '66? A '66. As for the date that it was just at the time we had the grass hoppers; that was the time the grass hoppers eat the wheat up.

MR. HASTINGS: Mr. Walker, what I was trying to get out, not when any of them come down separately but the family, when the old man Sam Webber brought his family and come down? A I can't answer but that way, it was in the latter part of the winter or beginning of spring.

MR. BELLETTE: You don't undertake to swear positively about that? A Oh, if I was positive, I would be if I had a date, I don't want to do anything that way I could not swear to; this date I seen it, the book is correct I will swear to that.

Q Now, didn't young Sam webber here come down here in the fall of '65? A Well I only got that, this old man Sam Webber and the young man will tell you

Q Didn't he and his father come down here in the fall of '65? A They worked a good deal and my boys were driving teams for them and my boys could tell you more than I could; there was a big part of the time in 1866 I was not at home, sometimes as much as ten months in the year.

MIAMI WALKER, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: what is your name? A Miami Walker.

Q what is your age, Mrs. Walker? A 76.

Q Where do you live? A Linn County Kansas.

- Q Is this gentleman, Jim Walker, your husband that just left the stand? A Yes, sir.
- Q You were married before the war? A Yes, we was married in Pennsylvania.
- Q Were you living together as husband and wife immediately after the war, '65 '6 and '7? A Oh, yes, we have lived together ever since.
- Q Are you living in Linn county, Kansas? A Ever since we came here.
- Q Do you remember a circumstance of your husband buying a farm from Mr. Fleming in '66? A Yes, sir.
- Q Do you know who was on the Fleming farm at that time, when your husband purchased it? A Man by the name of Samuel Webber.
- Q Was he a white man or colored man? A Colored man.
- Q Did he have a son by the name of Sam? A Yes, sir.
- Q What time after your husband purchased this place from Mr. Fleming did the Webbers ~~move~~ move their families off of that place? A Well, I should say now, and it seems to me but I can't remember it was a good while to remember, it was the last week in February, but I ain't certain.
- Q That is your best judgment? A Yes, my best judgment.
- Q Are you positive that it was not before Christmas? A I am not certain.
- Q Your best judgment is the last week in February after this trade was made? A Oh, yes, the trade was made in September.
- Q You knew old man Sam Webber? A Oh, yes.
- Q And his son? A His son.
- Q Do you know where this young Sam was married? A He was married at home.
- Q Do you know who he married? A I don't know, I know she was around in the neighborhood there, I don't know that I was personally acquainted with her, but I have seen her.
- Q You know that the marriage took place there? A Took place there.
- Q Near what Creek was that? A We lived on Elk creek, the creek runs through the farm.
- Q How far is that from Mound City? A Five miles.
- Q How far from Fort Scott? A 20.
- Q North? A 20 north, yes.
- Q You don't know Sam Webber's wife's name? A I ~~don't know~~ wasn't acquainted with her very much, I had seen her but never spoke to her; I could not recall her name. I knew her mother.
- Q What was her mother's name? A Aunt Rose, we called her, is all the name I ever heard.
- MR. BELLETTRE: You say you are 76 years old? A Yes, sir.
- Q Do you remember the year the war closed? A '65 I think.
- Q You don't pretend to remember this back 30 or 40 years ago? A Oh, I can't recollect that.
- Q The testimony you have given in regard to the time the Webbers moved off the place is merely a recollection of yours at this time? A That is all, I ain't positive, it always seemed to me that was the way of it.
- Q They might so far as your testimony is concerned, they might have left that place before Christmas of that year? A I don't know, I ain't right positive about it, it seems to me hardly that long.
- Q You remember that old man Sam Webber and his son, young Sam, came to the Cherokee Nation in 1865? A I remember their coming down here, but I don't remember the year; I expect it was about that time.
- Q That was before the whole family moved? A Yes, sir.
- Q Do you remember the old man Sam Webber saying that he had to come here in a certain time in order to get his rights? A I don't know

whether he said it or not, but I knew it.

Q You knew it? A Yes, sir.

Q And he did too? A I suppose he did.

JAMES WALKER, recalled:

MR. HASTINGS: Have you had a talk with this young Sam Webber since you have been here? A Yes, we talked a little while yesterday.

Q Did you have any talk to him as to what year you bought the Fleming place? A Well, about that, he seemed to understand it as I did; he knew it was that year; we didn't speak any of any differences between that.

Q Did he think you bought it in 1866? A I think he understood it that way. He said to me that, he asked me was I going to testify that he put a crop on the place in '67; I said no, no, I never thought of such a thing; I don't know why he come to the idea of asking me that.

Mr. Hastings: The representatives of the Cherokee Nation ask that the testimony of Aaron Webber in Cherokee Freedman doubtful case No. 216, be made a part of the record in this case; and that the testimony of Reuben Sanders in the case of Freedman doubtful No. 391, be also made a part of the record in this case.

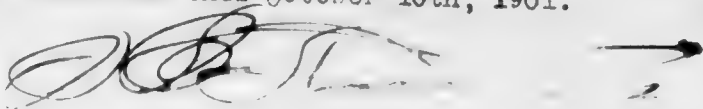
Com'r Needles: It will be ordered, and testimony in this case taken to-day will be made part of the record in Freedman D. #4196.

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J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 10th, 1901.



Commissioner.

File with case of Joe Ross, C.F.-D.#350.

(The statement of Aaron Webber made in the matter of his own enrollment as a Cherokee freedman is ordered by the Commission filed in and made a part of the record in the matter of the application of Joe Ross, C.F.-D.#350, for enrollment as a Cherokee Freedman.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wymer, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q Do you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your strip payment money? A Yes, sir.
- Q How much did you draw? A \$15.50. and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 Authenticated roll of Cherokee freedmen examined and applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Takie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1866? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months

because my owner's didn't give me time to get my education.

Commissioner: Was it ~~the March~~ in the fall or summer? A It was
along in March when I came back in 1866

Mr. Hastings: Was it the March after the treaty was made? A Yes,
sir.

Q You are certain of that? A Yes, sir, I am.

Q And you came back with him at that time? A Yes, sir.

Q Did he bring his family along then? A Yes, sir.

Q His wife and children? A Yes, sir.

Q He had already been out there and put up a house? A Yes, sir,
and I had come out before that and I come with him, and we put up
a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was
made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give
the days of the months how long it was we came out, but we came
and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the
building? A We stayed three or four days and then went right back
and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam now lives? A Sam lives on the north
side of Nowata and we live up there on Big Creek, I can't tell you
exactly how many miles, but he lives at Nowata and we live up there
on Big Creek.

Q What old citizen lives near where you first located, where you
first located when you first moved out? A There isn't anybody
living there now.

Q ~~What name~~ Name some old citizen who lives at the place now where
you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there
but he don't live there now.

Q Who lives ~~at~~ at the place Sam and you came to? A The Meigs and
Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in Wagons the first time? A Yes, sir, because
Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the
year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is,
because I am not educated like you smart men.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what
month it was adopted in, the treaty; you told Mr. Hastings you came
here in the March after the treaty was adopted; you don't know what
month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber and Abe Hare.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

(Statement of Reuben Sanders made in the matter of the enrollment of Elizabeth Meigs as a Cherokee Freedman, is ordered by the Commission filed in and made a part of the record in the matter of the enrollment of Joe Ross, C.F.-D.#350)

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 22d, 1901.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant: (Examined by the Commission.)

- Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes, sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes, sir.
Q You have a wife named Alice have you? A Yes, sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows: Page 175, No. 2657, Reuben Sanders, Cooweescoowee district.

- Q Did you ever have to carry the question of your citizenship before any court? A Yes, sir.
Q That court? A The Chambers Court.
Q Is that the only one? A Yes, sir, that is the only one; I was admitted by the Chambers Court.
Q Where was it sitting? A At Tahlequah.
Q In that year was that? A I cannot tell what year it was.
Q Your citizenship had been disputed had it? A Yes, sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.
Q Was that before the 1880 roll was made? A Yes, sir.
Q Did the court decide in your favor? A Yes, sir.
Q Was there any dispute made than about your being put on the 1880 roll? A No, sir.
Q Were you required to show a copy of the decision of the Court in your favor when you went to enroll in 1880? A No, sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No, sir.
Q Where did they take your name? A I was in Gooseneck Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes, sir.
Q Your wife is her daughter? A Yes, sir.
By W. W. Hastings:
Q Peter Veig's citizenship was disputed the same time yours was? A Yes, sir.
Q Did he go before the court at the same time? A No, sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.

- Q Did he go down to Tahlequah at the court before that time?
A Yes, sir, I think he went down there to Bob Daniels Court, think he went with my father.
- Q Was Bob Daniels Chief Justice of that court? A Yes, sir.
- Q Just a few years after the war? A Yes, sir.
- Q In '71 wasn't it? A Yes, sir.
- Q Was any action taken in that court? A I don't know.
- Q You were not there yourself? A No, sir.
- Q You were about 15 or 16 years old when you come back?
A Yes, sir, I guess so, I don't exactly know how old I was.
- Q You were not married then? A No, sir.
- Q How long after you got back before you married?
A Not very long after I got back.
- Q Did you marry on your way down here? A No, sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time?
A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment. A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q For long did you live with your first wife? A Not very long, she died.
- Q A year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes, sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes, sir.
- Q Who came with you? A Several were on horse-back, it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes, sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the head of these families.
- Q Who else came with you? A My brother Dan and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Mose and Dennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Wair, and I don't know who else, I don't know who all come.
- Q Who come when you come in October? A I don't know who all come then, some of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You come in both of the detachments yourself? A No, sir.
- Q Which one did you come in? A I come in August.
- Q You didn't come in October then? A Yes, sir; I come when we first come; we brought some of our farming utensils and when we come in August and left the on the creek.
- Q On Big Creek? A Yes, sir.
- Q Where Mrs. Meigs lived? A Yes, sir.
- Q And you returned in October, how long did you stay in October?
A We all didn't return in October, we didn't all go back, some staid in August, some staid and some come back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
- Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
- Q What time in the winter? A Long in January.

Q You mean in '67? A No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67?
A I don't understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say your first came here in August of '66? A Yes, sir.
Q That was your first coming was it? A Yes, sir.

Mr. Hastings:

Q When you moved here permanently tell all that you possible can remember of who came with you in the January or February following? A This family is one, her the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs that is all that I can remember of that family.
Q I don't mean only of that family, there were other families were there not? A Ol man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.
Q were any of the Webbers along? A Yes, sir.
Q Old man Sam and young Sam? A Yes, sir; I would not pretend to cal them all over as I had forgotten them Webbers and so I can't remember for if I has forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes, sir.
Q Did his son Sam Come? A Yes, sir.
BY W. W. HASTINGS:
Q Don't you remember any one else? A Rachel Webber.
Q Do you think of any one else? A No, sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come?
A I haven't been interested as to anyone except myself.
Q You know there is a question about who came don't you?
A Yes, sir, I guess I do.
Q You say you came to Big Creek? A Yes, sir.
Q Did you come by the way of Chetopa? A Yes, sir, I guess that we did, I don't know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river?
Q Neosho? A No, sir.
Q You didn't cross at the Gilstrip Ferry? A No, sir, we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie. A We may have.
Q You were in wagons? A Yes, sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek, except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any house there except those that your crod built?
A I don't know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes, sir, some were, there were logs on some up 8 or 10 logs high.

- Q Then there were none really completed until you moved there with your families? A No, sir.
- Q Did you make a crop there the first year that you moved there? A Yes, sir, as near as we could with one horse plows and hoes.
- Q Do you know Jim Martin? A Yes, sir.
- Q How far does he live from you now? A 4, 5 or 6 miles.
- Q Was he living there when you people moved there? A No, sir.
- Q He had a brother named William Martin? A Yes, sir.
- Q Was he living out there then? A No, sir.
- Q There was an old man by the name of Carter living out there, then, wasn't there? A No, sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
- Q Was his name Dick Carter? A I think it was.
- Q You say he lived some 20 miles from there? A Yes, sir, 20 miles below on the Verdigris river. He come some time after.
- Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No, sir, we never crossed on Gilstrap ferry.
- Q There were no farms made there when you passed through--no citizen had farms up there? A No, sir, none that I saw.
- Q By the Commission:
- Q You stated, I believe, that the first time that you come to the Cherokee Nation after the civil war closed was in August of '66? A Yes, sir.
- Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
- Q You didn't bring your families with you then? A Only part of them and some things that we had.
- Q Part came with their families and part came to prepart for their families? A Yes, sir.
- Q What men were with you on that first trip? A This family, the Weigs family, not all of this man's boys, but the old man Weigs, Peter Weigs.
- Q You didn't bring your family with you at that time did you? A No, sir.
- Q Did Peter Weigs bring any of his family then? A No, sir.
- Q Did you go back to Kansas after that? A Yes, sir.
- Q When did you bring your family? A Our family came in October.
- Q When did Peter Weigs go back to Kansas? A I think with my father.
- Q You come yourself in August? A Yes, sir, with my father.
- Q You went back to Kansas after that? A Yes, sir, my father went there and I went with him.
- Q When did Peter Weigs go back? A He went with the crowd.
- Q And he so with you and your father? A Yes, sir.
- Q When you returned to the Cherokee Nation again in October? A Yes, sir.
- Q Did your father come with you? A Yes, sir.
- Q Did all the members of your own family come with you? A No, sir, not all of them come in October.
- Q Was it Peter Weigs in October? A He come with us at each trip.
- Q Did you go back to Kansas with you? A Yes, sir.
- Q And then you came back here to the Cherokee Nation in October? A Yes, sir.
- Q Did Peter Weigs come back with you to the Cherokee Nation in October? A Yes, sir.
- Q Was that the second time that Peter Weigs had been here? A Yes, sir.
- Q Where was Peter Weigs in Christmas of '66, do you know? A No, sir, I don't exactly know where he was in Christmas of '66.

- Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes, sir.
- Q How far apart? A Two or three ~~xx~~ hundred years apart.
- Q Did he then go back to Kansas for his family after he made that October trip with you? A No, sir, he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
- Q You staid here then? A Yes, sir.
- Q when did you come? A In the winter.
- Q Was it in February? A Must have been in December.
- Q what about February trip you spoke of? A It was in the winter some time. Snow was on the ground.
- Q Did your father come at that trip? A Yes, sir.
- Q your mother? A Yes, sir.
- Q Peter Meigs? A Yes, sir.
- Q His wife? A Yes, sir.
- Q That was your third trip? A Yes, sir.
- Q was that your last trip? A Yes, sir.
- Q when did your wife Alice come? A Come then.
- Q On that third trip? A Yes, sir.
- Q you say Peter made all three trips with you? A Yes, sir/
- Q Every time you came he came? A Yes, sir.
- Q Every time you went back to Kansas he went back? A Yes, sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No, sir.
- Q Do you remember distinctly that you came here in August the first time? A Yes, sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes, sir.
- Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes, sir.
- Q with his family? A Yes, sir.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901, at Chelsea, I.T.
(Signed) T. B. Needles,
Commissioner.

J. O. Mason, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing testimony of the witnesses indicated from the original transcript of the testimony and proceedings had in the above cases, and that the foregoing is a true and complete copy of the statements of the above witnesses, viz: Aaron Webber and Reuben Sanders; said original testimony reported by Stenographers Bruce C. Jones and Chas. von Weise respectively.

Subscribed and sworn to before me this October 14th, 1901.
[Handwritten Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation:

(By the Commission)

Q Give me your full name? A Douglas Walker.

Q How old are you? A 50.

Q What is your post office? A Mound City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.

Q What was your father's name? A James Walker.

Q What was your mother's name? A Miama Walker.

Q Was your father and mother here the first of the month? A Yes sir

Q They testified in this matter at that time did they? A Yes sir.

Q Do you know Samuel Webber? A Yes sir.

Q Did you know his son Samuel Webber? A Yes sir.

Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.

Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.

Q Is the the same fellow? (pointing) A Yes sir.

Q Where was he living at the time? A He lived with the older Sam Webber at the time.

Q You know this applicant here is the same party? A Yes sir.

Q Did you know a woman named Chlora? A Yes sir.

Q What relation was she to Joe Ross? A Sister

Q Did you know Aaron Webber a little duck legged fellow? A Yes sir

Q Where did you know him? A In the same family in Mound City, Kansas Linn County.

Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flerrings.

Q I mean in the year 1866? A My father bought the farm.

Q Of whom did he purchase the farm? A Of Flerrings.

Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.

Q Did he marry before or after he moved from that country? A Before he moved.

Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.

Q The date of the deed? A Yes sir.

Q What was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.

Q At that time, where was Sam Webber living? A On this farm that father purchased.

Q Where was young Sam living at the time he married? A On this farm on the same place.

Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their wives folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.

Q Did they all move down at the same time? A All started together.

Q Left there together? A Yes sir.

(By Mr. Smith)

- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as the man knows another.
- Q How? A Well I saw him.
- Q When? A To day.
- Q Where? A On the street.
- Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
- Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
- Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Fleming farm.
- Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.
- Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Fleming owned it until my father bought it.
- Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
- Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
- Q How long? A Three years—four years in the spring of '67.
- Q They farmed it four years before your father got it? A They farmed from '63 to '67.
- Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
- Q You say it was in September of 1867 that your father bought that farm? A In '66.
- Q You are positive about that? A Yes sir we got possession the first of March '67.
- Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemings.
- Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
- Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.
- Q What was in the fall of '66? A That they came down here—started away from there.
- Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
- Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
- Q Well which came back first? A Why I think the older Sam Webber came first.
- Q How long do you think it was before you saw Sam Webber Jr. again?
- Q Well, it was a short time, a month or so—I can't recollect that, it is a good while ago.
- Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
- Q Who helped him? A Then two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
- Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
- Q Is it not a fact that in July of 1866 that Sam Webber Jr. came t here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
- Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.

graphic notes therein.

(Dawsonville)

Subscribed and sworn to before me this the 9th of November, 1901.



Commissioner.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F. D-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rosson, and afterwards dictated by him to stenographer M.D. Green.)

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post-office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October ~~then~~ or the first of November, I won't say which, along about in them times I moved, that is, my folks moved; ~~that~~ of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just now, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67. I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commissioner: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgment? A Yes sir.
Q That is your best recollection? A (No response.)

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Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is one thing I have got you know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, ~~the~~ September 6, 1866.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes sir.

Q You say you knew young Sam Webber, the younger one of the two? A Yes sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q That did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1863 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '66.

Q You don't know what time in '65 they were there? A They were there before '65.

Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in

the fall.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come down I don't think.

Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not; I know Sam and the old man come back and got the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them there afterwards.

Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, and I think he told me he had his cabin built.

Q And now that final move when they took all the people out you think was in what time? A I don't know, but it runs in my mind as February or March; I wont say anything about that.

Q What year? A '67.

Q You say you wont say anything about that? A I don't know whether it was or was not.

Q You don't know whether it was or was not? A No sir, that is a fact; but it runs in my mind it was.

Q Where was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.

Q Well did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know it? A I got no way to fix it; that's my opinion he was there.

Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.

Q You can't state that positively? A No sir, not unless I got something to fix the date.

Q You wont say that? A No sir.

Q Now can you remember about Sam Webber coming back in the up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course then dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.

Q You didn't go off of that farm? A No sir, just moved from the west to the east side.

Q And you were a boy about 13 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.

Q How about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.

Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved, over, remember that fact.

Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1865 did you? A No sir.
MR. SMITH: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.

Q That is your first recollection of them leaving? A Yes sir.

MARY A. EICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

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- Q Give your name, Madam? A Mary A. Hicks is the way I sign my name.
- Q How old are you? A If I live to the 21st of next month I will be 67 years old.
- Q What is your post-office? A Mantey.
- Q Is that in Kansas? A Yes sir.
- BY MR. HASTINGS:
- Q How far do you live from Round City, Kansas, Mrs. Hicks? A I live six miles.
- Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
- Q You were living there then after the war? A Living there in the time of the war.
- Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
- Q Do you know Mr. Short that left the stand here? A Yes sir.
- Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
- Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
- Q Did you know his son, young Sam Webber? A Yes sir.
- Q Well did you know a little short one called Aaron Webber? A Yes sir.
- Q Did you know a boy called Joe Ross? A Yes sir.
- Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
- Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
- Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
- Q What was the date of it? A The date of the death?
- Q Yes, madam? A Well it was October.
- Q Did you make any record of it in your Bible? A Yes sir.
- Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
- Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
- Q You haven't got your specs? A No sir.
- Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.
- Q And under the column of deaths appears: "Died October 23, 1866".? A That is correct.
- Q Who was Franklin Hicks? A He was my son.
- Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.
- Q Don't know? A No I don't; you mean this Sam?
- Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
- Q Do you know where his wife was? A His wife died there.
- Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
- Q She was living? A Yes sir.
- Q Was she a member of this family? A Yes sir, she lived there with them.
- Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
- Q Did you know a sister of Joe's called Chlora? A Yes sir.
- Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, ~~xxx~~ what is your best recollection as to the time Sam Webber and his family, when he ~~departed from~~ left Kansas with his family? A -

OBJECTIONED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 ~~xxxx~~ yards of them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q He had recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.

Q And you know these Webbers were living on the Walker place? A Yes sir.

Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I know.

Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam ~~would go~~ worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.

Q Do you remember young Sam bringing some hides in to the community? A No sir, I didn't charge my mind with anything like that.

Joe Ross (sup'1) 10

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March. You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I can't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way.

Q Where did you move from to this place that you live? A Where did I move from?

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the one right here, the black one? A Yes sir.

Q What is his name? A Joe ~~Ross~~ we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you knew up there in Kansas? A This Joe? I don't know, he says it is; he was nothing but a boy when I saw him.

Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.

Q You don't know where old man Sam Webber was in July '66 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You won't be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. FASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

Joe Ross (sup'1) 11

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post-office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Deunglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yessir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin? Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1860.
Q I will ask if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears ~~was~~ your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
A My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

- Q. Fall of what year? A '66, and then came back.
- Q. How do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
- Q. You are sure of that? A Yes sir.
- Q. There was Aaron Webber, did he come back with them? A I don't remember very much about him.
- Q. You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their claims.
- Q. Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, ~~in the summer~~ either summer or fall.
- Q. Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q. Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q. Made a crop in '66? A '66.
- Q. What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q. Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left..
- Q. Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
- Q. Where was he in January and February of '66? A January or February of '66, I can't say.
- Q. Where was he in July of '66? A I don't know where.
- Q. Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
- Q. Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
- Q. Where was the old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
- Q. In 175 steps of you? A Yes sir.
- Q. And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
- Q. Now what makes you think it was in February or March '66 that these people left there? A Well I have all reasons to believe the circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
- Q. Who did? A These darkey boys, the Webber boys.
- Q. Did what? A Trapper for the game that winter on the patch of cane where we had left the seed on the corn.
- Q. That the winter that commence in December and ends in February, December, '66 and February of '67? A It was all in that winter of course.
- Q. Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
- Q. Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
- Q. How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
- Q. So that a s a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
- Q. Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir I fix it by memory, of course that is the way by the people, of this child death; they were there then; that is, the family were, I don't re-

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member, so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response.)

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea.

Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible, think

Q You don't know that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

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A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A. HICKS, re-called for additional cross examination.
BY MR. SMITH:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I wont say sir.

Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

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given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

F. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

F. D. Green

Subscribed and sworn to before me this November 16th, 1901.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C.F.D 350.

Appearances:

W. W. Hastings, for the Cherokee Nation.
Bellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 872, be made a part of the record in this case.

COMMISSIONER It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Clara Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

Department of the Interior,
Commission to the Five Civilized Tribes,
~~Vinita, I.T., June 26, 1901.~~
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Bellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Smith: What is your name? A. Sam Webber.
Q. How old are you? A. About 58.
Q. Where do you live? A. I live two miles west of here.
Q. How long have you lived in the Cherokee Nation? A. I was born and raised here, and after the war came back.
Q. Do you know this applicant, Jefferson Ross? A. Yes, sir.
Q. Were you acquainted with him before the war? A. No, sir, I wasn't acquainted with him before the war.
Q. When did you first know him? A. I got acquainted with him just after the war.
Q. Where? A. Here in the Nation.
Q. About what part of the Nation? A. He came to my house there on Big Creek in the Nation.
Q. What time? A. Along in the spring of '67.
Q. Do you know of your own knowledge when he first came back to the Territory after the war? A. No, sir, I don't know of my own knowledge.
Q. Do you know where he was living at the time he came to your house?
A. He has been working on Snow Creek he claimed and he was on his way hunting his sister.
Q. Did you ever see him after you saw him that time? A. I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.
Q. Did you see him then after that at his sister's? A. I saw him then often and on for near about two years I guess.
Q. Where? A. There at Lightning Creek.

- Q In the Cherokee Nation? A Yes, sir.
- Q Was he a married or a single man at that time? A He was a single man to my knowledge.
- Q Do you know where he is living now? A No, sir, I don't.
- Mr. Hastings: You saw him around here for about two years?
- A Yes, sir.
- Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
- Q How long after that? A Must have been six months or a year after that I met him again there.
- Q You know where he was married? A No, sir, I can't tell you.
- Q Was he married at that time? A If he was I didn't know it.
- Q Did you know his wife? A No, sir, I don't know his wife.
- Q Did you ever see his wife? A Not to know it was here.
- Q Was this man ever kept house to your knowing? A When I saw him he was to his sister's.
- Q What was her name? A Katie Thornton.
- Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
- Q What is his occupation? A I can't tell you.
- Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
- Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
- Q Has he got any special occupation like a carpenter? A Not as I know of.
- Q What is Katie Thornton's husband named? A Henry Thornton.
- Q Was that her husband at that time? A Yes, sir.
- Q With whom does this man stay now? A I don't know that.
- Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
- Q Did he have any children when you saw him? A I never seen them if he did.
- Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

- Mr. Hastings: Mr. Webber, when were you first married? A Then I first married, I married just a short while after the war, I don't remember what year.
- Q Before you came down here? A After I came down here.
- Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
- Q Well, you know what time of the year you were married? A I was married along in the winter.
- Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
- Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
- Q What was your wife named? A My wife at that time was Rinda Martin.
- Q When did you commence keeping house? A I went in my house when I first came there.
- Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
- Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
- Q And you don't remember when that was, that time of the year? A Along after Christmas; I was already in the house.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D. Green

Subscribed and sworn to before me this November 16 1901.

Notary Public.

F. D-350.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1902.

In the matter of the application of Joe Ross for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-350.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken in the case of F. D. 818, in the case of Freedman Doubtful 391, together with the testimony of Reuben Sanders in the case of F. D-391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reasons that the same is hearsay; that the same is not the best evidence; that the same is incompetent in the manner and form offered; that the same was not taken under the rules of this Commission relative to notice to the applicant in this case and opportunities for cross-examination.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

COMMISSION: This testimony will also be filed with and made a part of the record in the case of Chlora Grayson, D-496, represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 9th day of July, 1902.

J. P. Roster
Notary Public.

Filed with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 23d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 106 No. 2512, Eliza Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No. 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

The roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 187, No. 2748, Elizabeth Meigs, Cooswescoowee district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q How did he bring you down? A In the winter after he went from here to Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1860? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
- Q You came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Daniel Sanders.
- Q What name? A Lethen Sanders.
- Q What name? A Daniel Sanders.

- Q ... else that you remember? A There was little Sam Webber and ... Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did any one else come down? A I dont remember any one else ... I am a telling you.
- Q Were you there when they started down? A We all come together.
- Q But I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q Was they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q About Christmas you all came down did you? A Yes sir.
- Q Did they come in wagons then? A Yes sir.
- Q Did you come by a little place called Chatopa? A Yes sir.
- Q Did you come to in the Cherokee Nation? A I come ... where ... living yet when I come to the Cherokee Nation.
- Q Any ... are living there yet? A Yes sir, that old house was built ...
- Q ... one? A That one we is living in.
- Q ... are living at the same old place? A Yes sir, in the old ...
- Q ... creek is that? A Big Creek.
- Q ... any one living on Big Creek when you came there besides your own ...? A No sir, down on Verdigris there was some living.
- Q ... were the advance family or crowd that came to Big Creek ... you? A Yes sir, we was the advance guard.
- Q ... sees any one from Chatopa along the road through ... t ... back when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a ... you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q ... family? A Yes sir.
- Q ... any that I missed? A That is all that I gave you.
- Q ... all that come? A Aaron Wright come with us.
- Q ... (No response).
- Q ... any others at all? A I am a telling you all the ... can think of now, it has been a long time for an old woman like ... to remember all that come.
- Q ... come to the place that you are living at now did you? A Yes, ... and has lived there ever since.
- Q ... you any Cherokee neighbors there now that were old residents? A ... there was some lived on Verdigris when we come there.
- Q ... A Lurie Riley was there on Verdigris, but not where we was living.
- Q ... far from where you settled? A I dont know how far.
- Q ... as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q ... they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir, I never saw none.

- Q Any Osages? A No sir, never saw none.
- Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I dont know if he is or not.
- Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship?
- A Yes sir.
- Q They didn't admit him then did they? A I dont know sir.
- Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as that then.

By the Commission:

- Q Were you ever admitted by the Cherokee or United States court or Commission? A I dont understand what you say.
- Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my name enrolled up before he died.
- Q I mean in court? A That is what I am a telling you.
- Q You know what a court is dont you? A Yes sir.
- Q What court do you know? A Lemus Clifton court.
- Q Any other court that you know of? A I know of the Wallace court.
- Q Any other? A No sir.
- Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, no man went there every year or two but I dont know what was done there.
- Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
- Q Have you any witnesses with you that you want to introduce?
- A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.
(Examined by the Commission).

- Q What is your name? A Ruben Sanders.
- Q How old are you? A I suppose I am about 50.
- Q What is your post office? A Centralia.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Were you a slave in the Cherokee Nation when the Civil War broke out? A Yes sir.
- Q Who did you belong to? A James Sanders.
- Q Were you taken to Kansas during the war? A Yes sir.
- Q You have a wife named Alice have you? A Yes sir.
- Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Coowescoowa district.

- Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
- Q What court? A The Chambers court.
- Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

- Q Where was it sitting? A At Tallapoosa.
- Q In what year was that? A I cannot tell what year it was.
- Q Your citizenship had been disputed had it? A Yes sir.
- Q When was your right to citizenship first disputed? A It was during the time that Thompson Oocholita was chief.
- Q Was that before the 1880 roll was made? A Yes sir.
- Q Did the court decide in your favor? A Yes sir.
- Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
- Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
- Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
- Q Where did they take your name? A I was in Coosawatchie Bend, at the time.
- Q Do you know the applicant Elizabeth Meigs? A Yes sir.
- Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

- Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q His wife's citizenship was also disputed? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tallapoosa to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
- Q Was Bob Daniels Chief Justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were not there yourself? A No sir.
- Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A year? A Perhaps it was, maybe a little longer.
- Q When you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

- Q Who else came with you? A My brother Dan and the Whitaires.
- Q Which ones? A Several.
- Q Which ones? A Mose and Bennis, and the Webbers.
- Q Where them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
- Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You come in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I come in August.
- Q You didn't come in October then? Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs Meigs lives? A Yes sir.
- Q And you returned in October, how long did you stay in October.
- Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some come back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
- Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
- Q What time in the winter? A Long in January.
- Q You mean in '67?
- Q No in the winter of '66.
- Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

- Q You say you first came here in August of '66? A Yes sir.
- Q That was your first coming was it? A Yes sir.

By Hastings:

- Q When you moved here permanently, tell all that you possible can remember of who come with you in the January or February following?
- A That family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs; that is all that I can remember of that family.
- Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
- Q Who else? A He had several children.
- Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
- Q Were any of the Webbers along? A Yes sir.
- Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember fer if I has forgotten them I dont think I can remember any of the others.

By the Commission:

- Q Did old man Sam Webber come? A Yes sir.
- Q Did his son Sam come? A Yes sir.

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- Q Dont you remember any one else? A Rachel Foye.
- Q Do you think of any one else? A No sir.
- Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
- Q You know that there is a question about who came dont you? A Yes sir I guess I do.
- Q You say you came to Big Creek? A Yes sir.
- Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
- Q Did you cross the river there? A What river?
- Q Neosho? A No sir.
- Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
- Q You came through what is Chetopa and came on west through the prairie? A We may have.
- Q You were in Wagons? A Yes sir.
- Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
- Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
- Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.
- Q Then there were none really completed until you moved there with your families? A No sir.
- Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
- Q Do you know Jim Martin? A Yes sir.
- Q How far does he live from you now? A 4, 5 or 8 miles.
- Q Was he living there when you people moved there? A No sir.
- Q He had a brother names William Martin? A Yes sir.
- Q Was he living out there then? A No sir.
- Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
- Q Was his name Dick Carter? A I think it was.
- Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
- Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
- Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

- Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '65?
- A Yes sir.
- Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
- Q You didn't bring your families with you then? A Only part of them and some things that we had.
- Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meirs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself to meet it? A Yes sir with my father.

Q You didn't go to the Cherokee Nation at that time? A Yes, sir my father went there with my wife.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did you go with you and your father? A Yes sir.

Q Did you go back to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did you bring any of your own family come with you? A No sir, not all of them came in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did you go back to Kansas with you? A Yes sir.

Q Did you come back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q Did Peter Meigs go back to the Cherokee Nation with his family did he settle on the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did you go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to do.

Q What time did he bring his family the last time in February, when you went back after his family? A The third time he brought his family.

Q Did you go with him? A Yes sir.

Q When did you go? A In the winter.

Q Was it in December? A It must have been in December.

Q What time did you go on that February trip you spoke of? A It was in the middle of the month on the ground.

Q Did your father come at that trip? A Yes sir.

Q Did Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third or last trip? A Yes sir.

Q Did you go with him? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated in the Civil War. She is identified on the Kerns-Clay roll and on the Wallace roll, but not on the 1850 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at
Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Neigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Neigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started that night shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

- Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I do not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Neigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the case in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he has correctly reported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of the same, and of the evidence thereon.

Witness my hand and seal at Vinita, I. T., this 22nd day of May, 1901.

M. D. Green, Stenographer.

W. W. Hastings, Cherokee Representative.

File with Cherokee Freedmen B-311, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Eleventh Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Q. What is your name? A. Robert Meigs.

Q. Where do you live? A. I live five miles southwest of Tahlequah.

Q. What is your postoffice? A. Park Hill is my postoffice.

Q. How old are you? A. I am 56 my next birthday.

Q. How long have you lived in the Cherokee Nation? A. I have lived here all my life except a little while time of the war, from '64 to '65.

Q. Did your people own any slaves before the war? A. Yes sir.

Q. Do you know whether they owned a woman by the name of Elizabeth?

A. No sir.

Q. Do you know whether or not they owned her mother, or anybody of the family? A. Elizabeth, no, sir.

Q. Well, did you know Peter Meigs? A. Yes sir.

Q. Do you know what his wife's name was when the war broke out?

A. Betsy, they called her.

Q. Well, was she living, Betsy, at the time the war broke out?

A. Yes, sir.

Q. Well, did you ever know her by any other name than Betsy?

A. Bettie.

Q. Where was Peter Meigs and his family at the breaking out of the war? A. Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Hills on the Arkansas line.

Q. Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A. Yes, I think that is the one, I have never seen her but once.

Q. That is since the war? A. I just saw her once in my life and that was time of the war, after the war.

Q. Did you ever see Peter Meigs and his family after the war? A. Yes sir, saw Uncle Peter.

Q. What year was that? A. Sometime after '71.

Q. What were the circumstances as to your seeing him or meeting him?

Q. Why did you go to come down to see about fixing up his rights, and he come down to visit my father John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Liverpool: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-393, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Oklahoma, October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '65.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '65.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Jerry.

Q Then was his children? A There was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-406, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Bruce E. Jones
Notary Public.

Supl.-C.S.D.48

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation.

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.
Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The rail-
road came through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1871, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chetopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Poyser Creek and submit it.
Mr. Martin was our agent for that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and the first cross-ties was cut on the railroad in this
country.
Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:
MR. DAVENPORT:

- Q What is your name? A C. D. Markham.
Q Where do you live? A At Ahleguan.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

...

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

James E. Jones
Notary Public.

To be filed with F. D. 350.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A No, sir.
Q Have you a file of the official paper including December 23, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 20, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. T. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and P. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Londer, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon after and heard him going back to town whistling. Mr. Jones found a sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

F. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone talking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their indictment, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Langrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, 1863, before his trial came off the prosecuting witness unknown, and Mackey was discharged without trial for the offence with which he now stands charged and of which he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Major Mefford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, is now being heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers a reward of \$200 for the murderer from the Fort Scott Monitor of Wednesday, March 14, 1867.

"A Chapter of Horrors."

Murderer of Hayford Captured.

Tragical events connected with the crime.

The history of our community for the past few years is dotted with horrors, such as will, for long days to come, dwell on the hearts of our citizens with gloom.

A few weeks ago, we published an account of the capture of Eli Mackey, the black fiend, who last winter murdered Major Mefford. Ever since that time the officers of the law have been on the alert with a view of his recapture, and on Wednesday, Feb. 27, Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northwest of this city, started, in company with his son, Charles T. Wheaton, and two other men on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stopped at the corner of the house, sat down and expired in about five minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

Q. MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '07? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q About that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee Parkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '68? A I was.

Q Well were you holding any office at the time when the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal and also town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. William Giles.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A 20 or 25 minutes, inside of a half hour or less.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 28th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up to that time, he was not out of jail except while he was under guard.

Q He had his escape then? A He was out of jail, yes, sir, at the time.

Q You know how long he was out of jail? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A You mean after?

Q Then he got away after February 16th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searchers, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would like to put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A In '68 the killing was done.

Q Few days before Christmas of '68? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and placed upon the record in this case.

MR. BROWN: Comes now the agent for the applicant and asks the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, immaterial and immaterial and not the best evidence, it being the best evidence and immaterial and not the best evidence, it being the best evidence.

COMMISSION: The request of the representative of the Cherokee Nation is granted, and the testimony taken on this day is stricken from the records of this case. This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-216, D-217, D-401, D-402, D-404, D-407, D-775, and in D-301, the more recent case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he has reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MONTA, T. T., JUNE 23d, 1901.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman: said Wright being sworn and examined by Commissioner T. B. Woodson, testified as follows:

AP. PRANCES:

Mr. E. B. Lawson, Attorney for Applicant.
F. W. Hastings, Cherokee Representative.

- Q What is your name? A Edward Wright.
Q What is your age? A I was born in 1849, sir.
Q What is your occupation? A Farmer.
Q What district do you live in? A Coowescooke District.
Q Do you apply to the roll of Freedmen?
Q Who do you claim to be an heir of?
Q Is your name on the roll of 1866?
Q Is it on any of the rolls of the Cherokee Nation or the Kern-Clifton roll?

The 1866 authenticated roll of the Cherokee Nation of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 122, #3038, Edward Wright, Coowescooke District.

BY MR. LAWSON:

- Q Where were you born? A I was born in Tablequah District, Cherokee Nation.
Q How old are you? A I call myself 52 years old.
Q Were you a slave? A Yes, sir.
Q Were you a slave at the breaking out of the war? A Yes, sir.
Q Who was your owner? A Eli Wright.
Q Was he a Cherokee? A Yes, sir.
Q Where did he live? A In Going Snake District.
Q What was your mother's name? A She went by the name of Katie Whitmire is the name she went by when she died.
Q What is her name now? A Katie Whitmire.
Q Is she the wife of Moses Whitmire? A Yes, sir.
Q Who owned her at the breaking out of the war? A James Walkingstick.
Q Was your mother a slave at the breaking out of the war? A Yes, sir.
Q Does your mother's name appear on the list of authenticated Freedmen? A Yes, sir.
Q Under what name? A Katie Whitmire.
The 1866 authenticated roll of the Cherokee Nation examined and the name of applicant's mother found thereon, page 122, #3907, Katie Whitmire, Coowescooke.
Q Did you leave the Cherokee Nation at the breaking out of the war, or during the war? A Yes, sir.
Q With whom did you leave? A I went with Eli Wright to Kansas.
Q When did you return to the Cherokee Nation? A In the fall of '66.
Q Fall of 1866? A Yes, sir.
Q With whom did you return? A With Moses Whitmire, my stepfather and Lewis Whitmire and Ellis Whitmire and Nelson Whitmire.

Edward Wright. -- 2.

- Q Was your mother in the crowd that returned with you? A Yes, sir.
Q And that was in the fall of 1866? A Yes, sir.
Q Have you been living in the Cherokee Nation since '66? A Yes, sir.
Q Have you lived any other place since then? A No, sir.
Q In what part of the Cherokee Nation do you now live?
A Living in Coowescoowee, in this creek.
Q Have you been living in that neighborhood ever since you returned to the Cherokee Nation? A Yes, sir.
Q How many times have you been married?
A I have been married once.
Q Do you have any children by your first wife? A Yes, sir, had three.
Q Do any of those children appear on the roll of 1830?
A No, sir, by the name of David.
Q How old was he in 1830?
A I think he was five years old.
Q How old would he have been the year of 1866?
A He would have been 35 years old.
Q Was he living with Moses and Sara and A. Wright at that time?
A Yes, sir.

The 1830 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's son found thereon, page 199, #3202, Dave Whitmore, Coowescoowee.

- Q Were any of your other children by your first marriage on the 1830 roll? A No, sir, I think their mother is on the 1830 roll.
Q But the children were left off? A Yes, sir.
Q With the exception of this one? A Only one, left off, one boy.
Q What was your boy's name that was left off the 1830 roll?
A John Henry.
Q Was John Henry a full brother of this David you have just mentioned?
A Yes, sir, if it appear on any roll it will be John Wright.

The 1830 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of John Henry Wright not found thereon.

- Q Your present wife and children have been enrolled as Freedmen, have they not? A Yes, sir, they have been enrolled.
Q How long were you out of the Cherokee Nation during the war, Ed?
A I don't know exactly. I know I went to Arkansas and I remained there until '66, I think it was 1864.
Q Prior to the time you left and returned to the Cherokee Nation in 1863, where did you live?
A I lived in the town of Wagon, Kanawha Co., Kan.
Q How long prior to the time you went away did you reside in the Cherokee Nation?
Q I asked you where you lived? A I lived in the town of Wagon.
Q From the time you were born up to the time you left in 1863? A Yes, sir.
Q Did you and your mother belong to the same family? A Yes, sir, she belonged to James Walkingstick and I belonged to his wife.
Q How did that come? were you sold? A Yes, sir, sold or attached or something, first man I lived with was Andy Co. and something I was attached, I was sold off and lived with another man and James Walkingstick I think bought her.
Q Were you living in the Cherokee Nation in 1820? A Yes, sir.

Edward Wright. -- 3.

Q Why were you not enrolled on the 1880 Roll? A I don't know sir; my stepfather made application to the Court at Tahlequah, Bob Daniels Court, I think, and him and my mother was admitted and he and my uncle that was enrolled at Chaisca there rejected, paid Mr. Bill Boudinot \$25 in defense and he never got us on the roll and my mother's name appeared on the roll.

BY MR. HASTINGS:

Q What town in Kansas did you go to? A Fort Scott.

Q What did you do up there after the war was over, what kind of work? A I worked for the government up there about six or eight months with the Chain gang.

Q That was after the war was over? A During the war.

Q Who did you live with up there just after the war? A I lived with my mother.

Q Was Moses Whitwire up there, your stepfather? A Yes, sir.

Q When did they marry, during or just after the war? A They have been living together ever since I was a little boy four or five years old, away before the war.

Q What time did you come back down here? A In the fall I think.

Q Was it in cold weather? A Yes, sir.

Q How who was along when you come back? A Lewis Whitwire, and Dennis Whitwire and my stepfather and Nelson Whitwire and Land Whitwire is about all.

Q Did you go back to Kansas after that? A No, sir.

Q Did you have any home down here when you come? A Yes, sir, the old man had been down and built, I believe.

Q Before that? A Yes, sir.

Q And then you come down afterwards? A Yes, sir.

Q How many times had your stepfather been out here before you come? A I don't know exactly, I think it was one or two times.

Q Did you come when your mother did? A Yes, sir.

Q Had your mother been down here either of those other trips? A No, sir.

Q You lived right up there with her? A Yes, sir.

Q Where were you married the first time? A I was married on Lightning Creek.

Q Over here near Salt Creek? A Yes, sir.

Q Do you know old Coker? A Yes, sir, I know one Coker, acquainted with him.

Q Did you know him when he came? A I knowed old man Coker.

Q What other Church or place living over there about Coody's Bluff? A I don't know, Charley Hicks.

Q Was he living over there at that time? A Yes, sir.

Q How far did you locate from old man Coker and Charley Hicks? A About five miles or so.

Q Did Charley Hicks have a wife? A Yes, sir, had a woman and one adopted child.

Q What was the girl's name? A I don't know, she was a Creek girl he was raising.

Q Well Charley Hicks was living over there when you come down? A I think he was or lived over there directly afterwards, come from Tahlequah.

Q Where did you make your first drop after you come down? A Right there I am living now.

Q Do you live with your stepfather yet? A No, sir, I am living to myself then.

Edward Wright. -- 4.

- Q You are not living to yourself there? A No, sir.
- Q Did you have a crop on the same place where you are living now?
- A I don't know. That is, we made a crop the first year, there wasn't any plows to make a crop the first year we were here.
- Q Did Lewis come down with you? A Yes, sir.
- Q Was he married at that time? A I don't think he was.
- BY MR. LAWSON:
- Q Where did Moses Whitmire live now? A He lived on Lightning Creek.
- Q Well did he ever live at the place where you live? A Yes, sir.
- Q How'd you give it to you? A Yes, sir.
- Q Have you been living there ever since? A Yes, sir.
- JOSEPH PHILLIPS, being duly sworn by Commissioner Needles, testifies as follows: BY MR. LAWSON:
- Q State your name? A Joseph Phillips.
- Q Are you on the 1880 roll, an unqualified citizen? A Yes, sir.
- Q Are you acquainted with Edward Herrick, or Edward Wright? A Yes, sir.
- Q If, which name is he known? A Ed Wright we called him.
- Q He goes sometimes by the name of Edward Herrick? A Yes, sir, that is his father's name.
- Q What relation, if any, are you to Edward Wright? A Not any, he is my stepson.
- Q Your wife's son? A Yes, sir.
- Q What is the name of your wife? A She is named Katie.
- Q Is she on the 1880 roll? A Yes, sir.
- Q Under what name? A Katie Whitmire, I guess, or Katie Walkingstack, she is dead.
- Q Then did she die? A About a year last September, little over a year.
- Q Where did you marry her and when? A I have lived with her, oh, I don't know how long, could not tell you hardly.
- Q Before the war? A Yes, sir, long before the war, sometime before the war, not so long.
- Q To whom did this Edward Wright belong or was he a slave before the war? A Eli Wright.
- Q Did he belong to Eli Wright at the breaking out of the war? A Yes, sir.
- Q Did you ever see Edward Wright before the war? A Yes, sir.
- Q Well where was he living? A He was living up in Going Snake District when the war come up.
- Q Where were you living? A I was living down on Barren Fork.
- Q About how far away? A About 12 or 13 miles.
- Q Were you living with his mother? A Yes, sir.
- Q Do you know whether or not Ed Wright left the Cherokee Nation during the late war? A Yes, sir.
- Q Where did he go? A He went up to Fort Scott, Kansas.
- Q How do you know he went up there? A I went up the same time, pretty much, I didn't go on up there at the same time, I got hold of him in the war and took him with me.
- Q Where did you get hold of him in the war? A At Mayesville, (Arkansas.)
- Q You say you got hold of him what did you do with him? A Kept him until I brought him down here.
- Q Where did you keep him? A Fort Scott, Kansas.
- Q When did you bring him down to the Cherokee Nation? A In '66 when he moved with my family.
- Q Who else was in the crowd that come down with you? A There was

- a lot of the Lewis Wright and Dennis and I moved.
- Q Where did you move to when you come? A Down here on Salt Creek.
- Q Did Ed Wright live with you? A Yes, sir.
- Q How long did he live with you? A I don't know exactly how many years, until he married and I give him the place he lives on now.
- Q Is he living on the first place you lived on? A Yes, sir.
- Q And that was in the fall of '66? A Yes, sir.
- Q There has Ed Wright been living over since the fall of '66?
- A Right there.
- Q Where? A Salt Creek.
- Q Cherokee Nation? A Yes, sir.
- Q Where did he live before the war and up to the time he left during the war? A He lived up in Going Snake District, Eli Wrights his pastor.
- Q Ever live any other place up to the time he left there? A Yes, sir.
- Q You know him from that time he was a little boy? A Yes, sir.
- Q You know he was a slave? A Yes, sir.
- Q Was his mother a slave? A Yes, sir.
- Q Were you a slave? A Yes, sir.
- Q Did you know Ed Wright's wife, or did you know Ed Wright's wives?
- A Yes, sir.
- Q How many times has he been married? A Twice now I guess.
- Q Did he have any children by his first wife? A Yes, sir.
- Q What are the names of the children? A Dave and John and I forget the girl's name that died.
- Q Are any of these children on the roll of 1830? A Well Dave ought to be.
- Q Is John? A No, sir.
- Q Was Ed Wright living in the Cherokee Nation in 1830? A Yes, sir, living right up there.
- Q Do you know why Ed Wright's name does not appear on the roll of 1830? A No, sir, I don't.
- Q Can you give any excuse for his not a bearing? A No, sir; I know when I went down to enroll I took him and Malissa's name down.
- Q Who is Malissa? A My wife's youngest.
- Q Did you enroll for Ed at that time? I was trying to enroll for him, yes, sir; he was in my family and under age.
- Q You enrolled your wife at that time and it was your intention and you thought you were enrolling Ed? A Yes, sir, I give in their names.

BY MR. HASTINGS:

- Q Uncle Mose you employed a lawyer for Ed at that time? A Yes, sir.
- Q Mr. W. P. Boudinot? A Yes, sir.
- Q You paid him? A Yes, sir.
- Q You told him and the court when he got back? A Yes, sir.
- Q That was all fresh on your mind? A Yes, sir.
- Q You didn't have any trouble getting your wife on the roll?
- A No, sir.
- Q You didn't have any trouble getting yourself on? A No, sir.
- Q You told them when you come back? A Yes, sir.
- Q And your wife? Yes, sir.
- Q And told them when your children come back? A Yes, sir.
- Q And they enrolled you and your wife? A Yes, sir.
- Q That was a short time after you come back? A It was some time after we come back, not very long though.
- Q It was all fresh in your mind at that time? A Yes, sir.
- Q What was this first wife's name? A Mary.

Edward Wright. -- G.

Q What was her first name, Mary what? A Mary Bushyhead they called her.

Q Where were they married? A Married on Lightning Creek.

Q They were married before 1830? A Yes, sir.

Q She was a Cherokee Freedmen herself? A Yes, sir.

Q She is dead? A Yes, sir.

Q She died before 1830? A Yes, sir.

Q And this Dave that is enrolled is her child? A Yes, sir. That her child, but I told the census taker about it and she gave it to my wife to raise as her child.

Q And you give it in as your child? A Yes, sir.

Q Now, you made two or three trips down here? A Yes, sir.

Q You made two trips before Ed came with you? A Yes, sir.

Q And he come with you on the third trip? A Yes, sir.

BY MR. LAWSON:

Q Did you employ Mr. Boardnot to look after your case, or have's case or all of your cases? A All of the cases.

Q Employed him to look after the enrollment of you and your wife and Ed? A Yes, sir.

BY CON'R NEEDLES:

Q When did you come down here from Kansas on your third trip? A December.

Q What year? A In '66.

Q Then is when you brought Ed? A Yes, sir, moved here.

Q At that time? A Yes, sir.

Q Didn't bring him down on any of those other trips? A No, sir.

Q Where was he? A Up there with his mother.

Q How old was Ed when you brought him down? A He was a small boy; he had never left me.

LEWIS WHITMIRE, being duly sworn by Commissioner T. B. Hodges, testified as follows: BY MR. LAWSON:

Q State your name? A Lewis Whitmire.

Q Are you on the roll of 1830 as an authenticated citizen? A Yes, sir.

Q Are you kin to Moses Whitmire? A Yes, sir, he is a half brother of mine.

Q Do you know Edward Wright? A Yes, sir.

Q The applicant here? A Yes, sir.

Q How long have you known him Lewis? A I have known him ever since he was a little bit of a boy.

Q Where did you first know him, where was he living? A He was living with his mother when I first know him in Going Snake.

Q Going Snake what? A District it is called.

Q Cherokee Nation? A Yes, sir.

Q Was Edward Wright a slave? A Yes, sir, born slave.

Q Who was his master at the breaking out of the war? A Eli Wright.

Q Do you know whether or not Edward Wright left the Cherokee Nation during the war? A He went out with his mother.

Q At what time do you know? A I think it was in the winter of '66, along in the winter sometime, they all had to leave.

Q Where did they go? A They went to Kansas.

Q What place in Kansas? A I think it was somewhere near Fort Scott where they stopped, around it.

Edward Wright. --7.

- Q Did you see Ed Wright immediately after the war? A Yes, sir, I seen him right here after the war.
- Q Do you know when Ed Wright returned to the Cherokee Nation?
- A He come with his stepfather, that is Mose and his mother.
- Q Who else was in the crowd? A With him, well Dennis and my father and me, I was in the crowd.
- Q Was Ed Wright along with that crowd? A Ed Wright was with them.
- Q When was that? A It was in the fall of '66.
- Q Where did old Mose Whitnire stay when he come here? A Right on Salt Creek, under the bluff on Salt Creek.
- Q Was Ed Wright living with Mose Whitnire at that time? A Yes, sir.
- Q What relation was Katie Whitnire to Ed Wright? A She was his mother.
- Q What relation was Katie Whitnire to Moses Whitnire, if any?
- A His wife.
- Q Where has Ed Wright lived since 1866? A He has lived about the place where he is at now.
- Q Still living there? A Yes, sir.
- Q Has he ever removed from the Cherokee Nation? A No, sir.
- Q Since 1866? A No, sir.
- Q Well, have you been living in the same neighborhood? A I live on Lightning Creek, four miles.
- Q Have you lived in that same neighborhood ever since you returned here? A Yes, sir.
- Q Now, you say you were in that crowd that brought Ed Wright down in 1866? A Yes, sir, I was in that crowd.
- Q And he came with Moses Whitnire's family did he? A Yes, sir.
- Q Do you know where Ed Wright stayed during the latter days of the war? A He stayed right with Mose Whitnire until he married.
- Q Then after he married where did he go? A He stayed on the place right there joining his old stepfather and is living on that place now.

BY MR. HASTINGS:

- Q You didn't witness for him before the Kern-Cliston Commission?
- A No, sir.
- Q You were around when they had the investigation then? A This is the first time I witnessed for this man.
- Q You were down before the court when they all applied? A Yes, sir.
- Q Uncle Moses Whitnire applied for him at that time? A Yes, sir.
- Q He didn't have any trouble getting on himself? A No, sir.
- Q He didn't have any trouble getting his wife on? A No, sir.
- Q You didn't have any trouble getting on? A No, sir.
- Q Did Aaron Whitnire come back with you? A No, sir; Aaron Whitnire come back a little while before we come.
- Q Before you first come down here? A No, sir.
- Q Well, now, about when did Aaron come? A Aaron come down in the fall of '66.
- Q Where did he locate? A Located right where; well, when he first come he made a crop on the place where Jim Martin owns and he stopped there and in the spring of '67 he made a crop there.
- Q Aaron come down ahead of you? A He moved down ahead of me and when we come down to pick claims we all come together, that was in the fall, and when we moved we didn't move together.
- Q Well, didn't you say you and Dennis and your father, Major Wright, come down together? A Yes, sir.

Edward Wright. -- 3.

The Wallace Roll of Freedmen of the Cherokee Nation examined and the name of the applicant found thereon, page 143, #3031, Cooweescoowee District.

HARRY STILL, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. LAWSON:

- Q State your name? A Harry Still.
- Q Residence? A Haydon.
- Q Are you acquainted with Edward Wright, the applicant? A Yes, sir.
- Q Where did you first get acquainted with him? A I have been acquainted with Ed ever since '59.
- Q Where did you first know him? A Knewed him up in Going Snake District.
- Q Cherokee Nation? A Yes, sir.
- Q Was he a slave? A Yes, sir.
- Q Who was his master? A Eli Wright.
- Q Did you know him while he belonged to Eli Wright? A Yes, sir.
- Q Did Ed Wright leave the Cherokee Nation during the war? A Yes, sir.
- Q Do you know where he went? A Yes, sir.
- Q Where did he go? A Fort Scott.
- Q Fort Scott what? A Kansas.
- Q About what year? A I think, I ain't certain, I think it was '62 or '63, he didn't go when I did but he went out shortly after I went out.
- Q Well, did you see him up at Fort Scott? A Yes, sir.
- Q Did you know Ed Wright's mother? A Yes, sir.
- Q What was her name? A We called her Katie Wallingstick.
- Q Was she the wife of Moses Whitmore? A Yes, sir.
- Q Did you see them during the war? A Yes, sir.
- Q Where were they? A Fort Scott, Kansas.
- Q Well, was Ed Wright up there with him? A Yes, sir.
- Q What relation is Ed Wright to Katie Whitmore? A Son of Katie Whitmore.
- Q Do you know when Ed Wright returned to the Cherokee Nation? A Yes, sir.
- Q When? A Fall of '66.
- Q 1866? A Yes, sir.
- Q You were with the crowd that came back? A No, sir; when I come here I come the other way and I left Lawrence and they left Fort Scott and when I got here they was all here.
- Q Where did they stay? A Right on the hill this side of Salt Creek.
- Q At that time was Ed Wright living with Mose and Katie Whitmore? A Living right in the house with them.
- Q Where has Ed Wright lived ever since '66? A He has lived there under the hill, went from there and stayed on the place with Mose where Mose lives now, until he married and moved back to Salt Creek and moved out on the prairie where he is living now and has been living there ever since.
- Q Has he been living in the Cherokee Nation entirely ever since '66? A Yes, sir, I have been more or less with him ever since.
- Q And you know that he came back with Moses Whitmore and Katie Whitmore in the Fall of 1866? A Yes, sir, lived with them all the time.
- Q You know his wives did you? A Yes, sir.
- Q How many wives did he have? A Two.
- Q What is the name of his second wife? A Mary.
- Q And the name of his second wife? A Mary.

Edward Wright. -- 3.

- Q Did he have any children by his first wife? A Yes, sir.
Q What are the names of the children? A John and Dave.
Q Which is the older John or Dave? A John is the oldest child.
Q Do you know whether or not their names, either of those names appear upon the authenticated roll of 1880? A I think they did, I think John's name is on there.
Q Well, how long did Ed Wright live with Mose Whitfire after he came back here in '66? A He lived with Mose during the war, come back here with him and lived with him until he married Mary; he left Mose when he married his first wife and come back on the place where Mose stopped.

BY MR. HASTINGS:

- Q Who come along as you come? A Well, I had my mother and my sister, Reid with me, Joe King, Tilda Lacey, and Aunt Nancy started with me and she died at Timbered Hill.
Q And you testified in the Mariah Hayden case didn't you? A Yes, sir.
Q You didn't come along when any of the Whitfires come? A No, sir.
Q They were here? A Yes, sir.
Q Where was this place living when you come? A Living with Mose.
Q Did he have a house? A No, sir, well Mose had started to build here himself once and went back to move his family.
Q You don't know how long they had been here at that time? A They hadn't been here a great while when I come.
Q Who did you live with when you come? A Lived with my mother.
Q Who did she live with? A With Mose.
Q Did you have a place at that time? A Made it.
Q Where was that? A Rachel place.
Q Where is that from the Hayden post office now? A Two miles west.
Q Did you make a crop there in '67? A No, sir, didn't make any crop.
Q Where did you make a crop there? A We really never did make a crop there, had a little patch there, that is, until we moved to the other place.

EDWARD WRIGHT, THE APPLICANT, RECALLED: BY MR. HASTINGS:

- Q Where did you go to school? A Went to school to Kansas and here in the Cherokee Nation after I come here.
Q Did you go to school up there during the war? A Yes, sir.
Q Did you go to school after the war up there? A Yes, sir.
Q How long? A About three months after I come down here on Big Creek.
Q Was there a school located up there? A Subscription school.
Q Did you go to school in Kansas after the war? A Yes, sir.
Q Before you come down here? A Yes, sir.
Q How long? A Well in my schooling I haven't had but three years.

COM'R NEEDLES: Edward Wright applies for the enrollment of himself. He can not be identified upon the authenticated roll of 1880 or census role of 1896. He is identified upon the Kern-Clifton and Wallace Rolls according to the page and number of the rolls as indicated in the testimony. He avers that he is the child of Katie Whitfire, who is the wife of Mose Whitfire, and that he was a slave and

Edward Wright. -- 19.

to apply to one, Edw. Wright, a Cherokee citizen. The name of the father is identified upon the authenticated roll of 1830. He avers that he has one son named David, who is identified upon the authenticated roll of 1830. He avers in his testimony that John Henry Wright, a child of his, was on the roll of 1830, but he is not found. He offers satisfactory proof as to his residence. The weight of the testimony is that the said Edward Wright is entitled to enrollment as a Cherokee Freedman and that because the Cherokee Nation protests against his enrollment, he will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be all notified by mail of the decision of the Commission when arrived at.

MR. HASTINGS: The representatives of the Cherokee Nation desire to call attention to the fact that David Wright is enrolled with the family of Ross and Katie Whitridge, and that his mother was a Cherokee Freedman.

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J. C. Rossen, being first duly sworn, states that as stenographer for the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that he herewith is a true and complete transcript of his stenographic notes thereof.

(Signed) J. C. Rossen.

Subscribed and sworn to before me this 10th day of July, 1901.

(Signed) T. B. Hendler,

Commissioner.

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Edw. C. T. #018. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service of P. B. Lanson, that attorney for the Cherokee Nation, that such should be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. R. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Tell what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitfire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Coalinga State District.
- Q Do you know what particular Whitfire he belonged?
- A I don't remember whether he belonged to George Whitfire or Leo Whitfire.
- Q If you did see him when did you first see Moses Whitfire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitfire, Moses Whitfire and Aaron Whitfire and old Major Wright is all I know in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or 30 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

- Q You are on the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitire you met and talked with is the same one you saw in Going Snake and belonged to the Whitire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other men with you there? A I think Aaron Whitire and Moses Whitire and old Major Fright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him for or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitire lives now, Moses Whitire?
A No, I don't know where he lives.

LE. HASTINGS, Cherokee Representative:

- Q Don't you know he lives on Salt Creek near Flyden? A No, I don't know for certain I heard he lived on Big Creek. I don't know where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rossen.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Book of the Cherokee Commission on Citizenship," as follows:

"No. 15 Edward Wright
vs
Cherokee Nation. (Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 22 Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed
on the 26 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitman on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tablequah to review claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitman

vs
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the act creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

... of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure until a removal of them was practicable which removal of the same was finally accomplished to the point of the Nation

by claimants for theirs and his home in the spring of 1867. Claimants rights have been called in question by competent authority, and so therefore presents them to the important examination of his Commission as are authorized so to do by law.

This June 26, 1873.

Lewis Whitire,

By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitire as follows:

"Before the Honorable Commission sitting at Tallagah to try rights to Cherokee citizenship.

In case of Moses Whitire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitire as embracing the facts which the present claimant would submit to the Commission as the basis of his claim.

Respectfully submitted,

Moses Whitire.

June 26, 1873.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 279, case No. 60, as follows:

"Case 60.

Aaron Whitire)

vs)

Cherokee Nation.)

Tallagah,

July 3, 1873.

Witness called and sworn.
I declare that I am about 47 years old. I live in Illinois and am a citizen of the Nation. I have been on the tribal roll but had my rights proven up before the Supreme Court.

As a citizen under the treaty of 1866. I went north to the state of Kansas in '82. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and set to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party came with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Hubbin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moso, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of provisions. As I was coming down the first time we were overtaken by the Saroksee Delegation. They were sore who come here were authorized by others to locate claims for them, one was by Hekey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on the side of Arls. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left the time when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me so to the best of my knowledge.

I do not know myself that it was the month of Aug. when I came down here, but I was told it was that time.

Re Direct.

It is the recorder following the time I first came down that I started down to select and improve claims.

Nick x Fields.

his mark.

Aaron Whitmire

of
 My name is
 called

August 1, 1876.

Hubert Alberty, witness for claimant,

I reside in Coover's Covee District, C. H. I am a native of the Nation during the war. I returned to the Nation of Coover's Covee District

on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go to the Verdigris. While on the way I fell in with a party of seven or eight persons who were with others near Sam Crouches. I did not go to the camp, they were colored people. I knew most all of them. Their names were Sam Webber, Aaron Whitmire and a younger brother and Lewis.

There was another person whom I was told was a Laramie. I can no longer recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire, Aaron Lewis and I belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had signed it. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or lands on the river and that he was the leader of the company and the number of men in the party did not care was that he was an old man but that he would like to go down to work for him and make him a chief.

That winter there was to get provisions over on the river. There were no provisions there, but that there was a place where they could get provisions and if they would go there they would get provisions. I represented that they had come from the river and that they had remained in Kansas, to build their homes.

They were notified to come, and about the middle of the winter they came to take claims for themselves and the other men. They came in the fall or in Kansas. As near as I can recollect it was the middle of October or November that I saw these parties. It was very cold weather at the time. I recollect as I camped out at night, I could not see any of these parties after this time in May 1867. There were no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me about the land. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to a house. I think I met them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but I do not know of seeing Dennis or Nelson. I know there was four of them and boys. They were owned in the Nation and resided here before the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in the same place. Her father was one of the band above referred to, also. I learned from our leaders Uncle Mike and Sam Webber and other delegates advised us to settle in a compact body on the river. We crossed the Neosho in coming down at McLane in the fall of 1866. The chief ferryman who crossed us was Bill Perryman.

While on Lightning Creek in 1866 I saw Mr. Bill Perryman in conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that come with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. He went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Albany as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

Moses Whitmire,
mark.

Aaron Whitmire & family)
vs)
Cherokee Nation.)

Case 63.

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tablequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Gen. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Indian. After the beginning of said war claimant moved to at the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and his family's permanent residence.

He was thus making preparations for the removal of his family providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the conditions he was obliged to bestow upon his family to remit his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the limits provided for by treaty, in that having no residence to which to go other former citizens he did everything possible to facilitate a return consistent with the duty he owed to his family by returning to her as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitely,

By Attorney R. C. Smith, Jr.

Aaron Whitely
vs
Shawnee Nation.

August 1st, 1888.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coover's Cove, C. N. I am a citizen of the Nation. From August up to Christmas 1866 I was at the Fort on the Verdigris River on the old Military road leading from Fort Scott to Fort Gibson, C. N. Am acquainted with claimant and his brother Lewis, never knew Aaron until I met him at the place mentioned above prior to that time. While I was in charge of the post I recollect having met claimant and Rose, Lewis, Dennis and Jackson, William, Peter Leigs, Mike Sanders, Sam Febber, and Young and Bill Johnson and others but I do not recollect anything about them while they were traveling. They stated they were coming from Fort Scott. I asked them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October 1866. It is positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were some who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs)
Cherokee Nation.)

July 4th 1870.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

File with case of Joe Ross, C.F.-D.#350.

(The statement of Aaron Webber made in the matter of his own enrollment as a Cherokee freedman is ordered by the Commission filed in and made a part of the record in the matter of the application of Joe Ross, C.F.-D.#350, for enrollment as a Cherokee Freedman.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VILITA, I.T., MAY 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wymer, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q The you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your strip pay ent money? A Yes, sir.
- Q How much did you draw? A \$15.50. and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 Authenticated roll of Cherokee freedmen examined and applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q were you a slave before the war? A Yes, sir.
- Q who did you belong to? A Takie Webber.
- Q was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q when did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1866? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q what time in the year '66? A Well you see I cant read and I can't write, I didn't keep no count of the days and the months

- because my owner's didn't give me time to get my education.
- Commissioner: Was it ~~the~~ March in the fall or summer? A It was along in March when I came back in 1866
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir, and I had come out before that and I come with him, and we put up a house and I came back with him in '66.
- Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.
- Q How long before that was it when you came out? A I can't give the days of the months how long it was we came out, but we came and put up a house one fall and went back and came right on down.
- Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
- Q What kind of buildings did you put up? A We put up a log cabin.
- Q Out on Big Creek? A Yes, sir.
- Q How far from where Sam now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
- Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody living there now.
- Q ~~Name~~ Name some old citizen who lives at the place now where you located then? A Sam Webber.
- Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
- Q Who lives ~~at~~ at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
- Q You have lived there ever since? A Yes, sir.
- Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
- Q Do you know anythin about dates? A I know when they say the year is out, and this year is in.
- Q What year is this? A If I am not mistaken I think this is May.
- Q The year though A I can't tell you exactly what year it is, because I am not educated like you smart men.
- Q You are satisfied in '66 you came here in March? A Yes, sir.
- Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here in the March after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.
- Q Have you got any witnesses? A Yes, sir, Sam Webber and Abe Hare.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross.....	Cherokee Freedmen	D-350
Clora Grayson, et al.,.....	Cherokee Freedmen	D-496
Aaron Webber,.....	Cherokee Freedmen	D-216
Elizabeth Meigs,.....	Cherokee Freedmen	D-391
George Meigs, Sr., et al.,.....	Cherokee Freedmen	D-394
John Meigs,.....	Cherokee Freedmen	D-396
Flemings Meigs,.....	Cherokee Freedmen	D-398
Irene Hanks, et al.,.....	Cherokee Freedmen	D-401
Hattie Carell, et al.,.....	Cherokee Freedmen	D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen	D-404
Harriett Webber, et al.,.....	Cherokee Freedmen	D-407.
Moses Webber,.....	Cherokee Freedmen	D-408
Wesley Webber,.....	Cherokee Freedmen	D-409
Edward N. Webber,.....	Cherokee Freedmen	D-410
Samuel Beck, et al.,.....	Cherokee Freedmen	D-775
Edward Wright,.....	Cherokee Freedmen	D-818
John Wright,.....	Cherokee Freedmen	D-834

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Clora Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flemon Hanks; by Hattie Carell, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Hattie, Charity, Mollie, Ben and Dolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Willie M., and her ward, Hattie Webber; by Moses Webber, for himself; by Wesley Webber, for himself; by Edward N. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Luquittie; by Edward Wright, for himself; and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chlora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion; and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Book, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward N. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Fleming Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Fleming Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Chlora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Battie Carell, Battie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, a free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1867, or within six months thereafter. The names of the said Simon Meigs, Battie Carell, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

Aaron Fisher has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as a colored person. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Roe. The evidence does not show that the said Jesse or Missie Roe, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Roe and Missie Roe are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Harriett Webber, Millie W. Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Flemon Hanks, Chlora Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

this JUL 10 1898

W. W. H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I.T., July 29th, 1903.

In the matter of the application of Joe Ross, et al.,
for enrollment as Cherokee Freedmen, consolidating
the applications of

✓ Joe Ross,	Cherokee Freedman,	D--350
✓ Chlora Grayson, et al.,	Cherokee Freedman,	D--498
✓ Aaron Webber,	Cherokee Freedman,	D--216
✓ Elizabeth Meigs,	Cherokee Freedman,	D--391
✓ George Meigs, et al.,	Cherokee Freedman,	D--394
✓ John Meigs,	Cherokee Freedman,	D--396
✓ Flemings Meigs,	Cherokee Freedman,	D--398
✓ Irene Hanks, et al.,	Cherokee Freedman,	D--401
✓ Hattie Carrell, et al.	Cherokee Freedman,	D--402
✓ Andrew Alberty, et al.	Cherokee Freedman,	D--404
✓ Harriett Webber, et al.	Cherokee Freedman,	D--407
✓ Moses Webber,	Cherokee Freedman,	D--408
✓ Wesley Webber,	Cherokee Freedman,	D--409
✓ Edward N. Webber,	Cherokee Freedman,	D--410
✓ Samuel Beck, et al,	Cherokee Freedman,	D--775
✓ Edward Wright,	Cherokee Freedman,	D--818
✓ John Wright,	Cherokee Freedman,	D--834

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully
protests against that part of the decision in the above
consolidated cases admitting certain parties to citi-
zenship named therein, on July 10th., 1903, and asks
that the same be forwarded to the Secretary of the
Interior for review.

In our general printed brief we have taken occas-
sion to elaborate upon the testimony in

Freedman Doubtful 216,
Freedman Doubtful 350,
Freedman Doubtful 818,
Freedman Doubtful 391,

all in this decision, and therefore we deem it unnec-
essary to go into details in our protest in this case,
but enclose a copy of this general brief to the
commission, to be forwarded to the Hon. Secretary of
the Interior, in duplicate; one for the Commissioner
of Indian Affairs, and one for the Secretary of the
Interior.

Our contention is, as was decided by the Commis-
sion in the case of Daniel Whitmire, Freedman Doubtful,
434, that Peter Meigs, Sam Webber and some others, did
not bring their families with them to the Cherokee
Nation until about the last of February or the first
of March, in the year 1867, too late to qualify under
the treaty of 1866, and inasmuch as all of the appli-
cants embraced in this decision claimed to have re-
turned with some of these detachments when they brought
their families to the Cherokee Nation, we submit that
under the proof and under the decision of the Commis-
sion in the Daniel Whitmire case that none of them are

Joe Ross, et al., Page #2.

entitled to be enrolled as Freedmen Citizens of the Cherokee Nation.

In the leading case of Joe Ross, Freedman Doubtful 450, his ~~principal~~ principal witness, Dennis Whitmire, swore, on Page 3 of the testimony, taken May 17th., 1901, that he, Dennis Whitmire, got back to the Cherokee Nation in 1866, and that the applicant, Joe Ross, did not come back until he had been here about a year. But the proof is so positive, as argued very fully in our general brief, and as found by the Commission, that none of these parties brought their families until about the last of February or the first of March, 1867, that reference is made to this brief, and the careful attention of the Department is respectfully asked to be given thereto.

Respectfully submitted,

B. Bell

W. W. Hastings

J. S. Davenport
Attorneys for the Cherokee Nation

FILED

AUG 3 1903

COMMISSION TO FIVE TRIBES.

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No. 4 Dec 4 140.3
Commission to Sir John

ATTORNEYS

OFFICE OF

L. H. BELL

W. W. HASTING

J. M. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE IND. TER.

APR 21 1863

The Under. signed have been appointed in the case of the Cherokee Freedmen Enrollment Commission, and have accepted of the duties of the office.

Witness our hands and seals at Muskogee, Ind. Terr., this 21st day of April, 1863.

E. J. Smith

Notary Public for the State of Indiana.

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 AUXILIARY CHEROKEE LAND FILES.

Muskogee, Indian Territory, February 12, 1903.

In the matter of the application of Joe Ross, Cherokee Freedman, Card B350, for the selection of land in allotment for Chloa Grayson, Cherokee Freedman Card B490 under power of attorney.

Joe Ross, being sworn, testified as follows:

Examined by the Commission:

- Q What is your name? A Joe Ross.
- Q How old are you? A 35.
- Q What is your native language? A Cherokee.
- Q What is the name of your father? A Dave Ross.
- Q The name of your mother? A Louisa Ross.
- Q What is your object in coming to the Land Office today? A To file land for my sister Chloa Grayson as her attorney in fact.
- Q Is Chloa Grayson living at this time? A Yes sir.
- Q How old is she? A About 56.
- Q What is her home address? A Cherokee, I. T.
- Q What is the name of her father? A Dave Ross.
- Q The name of her mother? A Louisa Ross.
- Q Have you a power of attorney from Chloa Grayson to act for her? A Yes sir.

(Note) Applicant has a power of attorney executed January 10, 1903, by Chloa Grayson, wherein she appoints Joe Ross her attorney in fact to act for her in all matters relative to her land, and to execute all necessary papers for the purpose of making selection of land.

- Q Is Chloa Grayson who has executed this power of attorney identical with Chloa Grayson? A Yes sir.
- Q Is Chloa Grayson your full sister? A Yes sir, full sister.
- Q What is the physical condition of Chloa Grayson? Will she be able to make a selection? A Stone blind and old and infirm.
- Q How long has she been in this condition? A About 2 years.
- Q Are you acquainted with the land which she desires to select for her? A Yes sir.
- Q Are there any suits pending for allotment? A Yes sir.
- Q Are you prepared to select this or any other? A Yes sir, I think I will.

(Note) Yes, and in view of the fact that the Commission cannot permit you to select land for Chloa Grayson under this power of attorney but the Commission will take your testimony relative to allotment and take the same into consideration as you make application as you make under consideration.

- Q Do you wish to give to the Commission relative to allotment that you are the attorney in fact for Chloa Grayson? A Yes sir.
- Q What is the name of her father? A Amstead Foster.
- Q The name of her mother? A Louisa Grayson.
- Q How old is she? A About 10.
- Q Is she living at this time? A Yes sir.
- Q Living with whom? A Living with me.
- Q How long have you had the power of attorney? A Since her birth.
- Q Is her father living? A Yes sir.

- Q Is he a Cherokee Freedman? A Yes sir.
- Q Has he contributed anything to the support of his child? A No sir, not anything.
- Q Is Gertrude Foster's mother living? A No sir, she is dead.
- (Note) The records of the Commission show that there was enrolled with Chloza Grayson on January 3, 1901, on Cherokee Freedman D Card 496 a female by the name of Gertrude Grayson, age nine years at the time of enrollment.
- Q What is the name of her father? A Amos Foster?
- A Yes sir, father? A Louis Grayson
- Q Is Gertrude Grayson identical with the Gertrude Foster named in this paper and to whom you have been testifying for? A Yes sir.
- Q Under what name is she known? A Gertrude Grayson.
- Q What is the name of her mother? A Yes sir.
- Q Are you acquainted with the lands it is desired to allot to Gertrude Grayson? A Yes sir.
- Q Are such lands suitable for allotment? A Yes sir.
- Q Are you acquainted with any relative to her to be allotted to her? A Yes sir.
- Q Will the agent in charge be able to find any? A Yes sir, I think so.
- Q Are the lands which you desire to select for Chloza Grayson in those desired to be allotted to Gertrude Grayson west of Grand River? A Yes sir.

(Witness excused).

Blanch Ashton on oath states that stenographer to the Commission to the Five Civilized Tribes has accurately recorded the testimony in the above entitled case and that the foregoing is a correct transcript of her stenographic report thereof.

Blanch Ashton

Subscribed and sworn to before me this 13th day of February, 1901.

J. H. ...

Notary Public.

Summary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of ---

Joe Ross,	Cherokee Freedmen D-350,
Chlora Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber,	Cherokee Freedmen D- 16,
Elisabeth Meigs,	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward N. Webber,	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick,	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elisabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr., (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flemen Hanks; by Hattie Carell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elisabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie M. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward N.

Hattie Caroll, Katie Weigs, Nathan Weigs and Henry T. Weigs, have been born since 1868, and are the children of Simon Weigs and Fannie Weigs; the said Simon Weigs is the son of Peter and Elizabeth Weigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Weigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of any showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Weigs, and was born in the Cherokee Nation after the return of her parents there. The applicants, Hattie Alberty, Charity Alberty, Dollie Alberty, Ben Alberty, Follie Alberty and Ned Alberty, are their minor children, born since 1867.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chloea Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

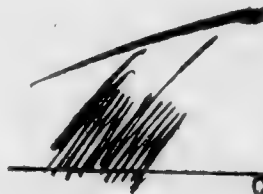
Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Wade Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1867, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1867.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Dollie Alberty, Ben Alberty, Follie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chlora Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approve June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSIO TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner

Dated at Muskogee, Indian Territory,
this APR 17 1905



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-350, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward H. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Hattie Carell, Katie, Nathan and Henry T. Meigs, Irene, George and Flemon Hanks, Chlora and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. H-22.

[Signature]
Commissioner in Charge.

Cherokee Freedman
D-350

COPY.

Muskogee, Indian Territory, August 15, 1903.

Joe Ross,

Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.
Commissioner in Charge.

Enc. D-92

Register.

Cherokee Freedman
D-618

Muskogee, Indian Territory, August 15, 1903.

E. B. Lawson,
Attorney for Edward Wright,
Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the matter of the application of Edward Wright for his enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, his said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.
Commissioner in Charge.

Enc. D-96

Register.

Cherokee Freedman
D-818

Muskogee, Indian Territory, August 15, 1903.

Edward Wright,

Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application. There has heretofore been furnished your attorney, E. B. Lawson, Nowata, Indian Territory, a copy of the proceedings had in the original application and there has this day been forwarded to him a copy of supplemental proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[Signature]
Commissioner in Charge.

Enc. D-94

Register.

Cherokee Freedman
D-834

Muskogee, Indian Territory, August 15, 1903.

John Wright,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-93
Register.

Commissioner in Charge.

Charolée Braden
-350-496

CCF

Washington, Indian Territory, August 17, 1903

Dear Sir,

Attorney for Joe Ross et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, the application of Joe Ross for the enrollment of himself, and rejecting the application of Chlorea Braden for the enrollment of herself and her sister and child, Bertrude Braden, as Citizens of the Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the undersigned applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review of decision. The action of the Secretary will be

Gen

Cherokee Freedmen
B-360 et al.

Muskogee, Indian Territory, August 17, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Weigs, Andrew, Lizzie, Mattie, Charity, Mollie, Ben, Dolly and Ned Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward N. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Weigs, Sr., George Weigs, Jr., John and Flemings Weigs, Mattie Carrell, Mattie, Nathan and Henry T. Weigs, Irene, George and Flenon Hanks, Chlora and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

-3-

men enrollment, which he desires to have considered in connection with these cases.

Respectfully,

J. S. Neenan
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. 7-113

COPY.

Cherokee 1- 31

, Indian Territory, August 17, 1903

Col. Wm. Harlow,
Winnison, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 27, 1902, in your application for the enrollment of yourself as a citizen of the United States and for the enrollment of your wife, the late Mrs. Harlow, and your seven minor children, James, Walter, Alice, Frank, John, the late Mrs. Harlow, as citizens of the United States, was affirmed by the Secretary of the Interior, on August 1, 1903.

The Department's letter states, "The rights of Mrs. Wm. Harlow, the applicant's wife, and her children, of the Cherokee Nation, were affirmed by the Department at the recent time but will await the decision of the Court of Claims upon the question of their citizenship, as determined by the Secretary of the Interior, on August 1, 1903, relative to the rights of intermarriage."

Respectfully,

W. C. Needles

Commissioner in Charge.

OCP

Reference 1-317

Shirley, Indian Territory, August 17, 1932

J. A. Wilson,
Attorney for George F. Johnson et al.,
Mustang, Indian Territory.

Dear Sir:

Reference is made to the application for the
renewal of the patent for the application of George F.
Johnson for the renewal of his patent for the invention of
a certain article of machinery, the title of which is
"A certain article of machinery," the application for the
renewal of which was filed with the Commissioner of
Patents, Washington, D. C., on the 15th day of
August, 1931, and which was assigned to the Secretary
of the Interior, and to all the lands of the United States,
July 30, 1932.

The Department's attention, "The rights of the
patentee, the claimant, and the inventor of the machine
invention, and the application of the patent, and the present
status of the application of the patent of claims by the

-2-

question submitted to said court on February 24, 1903, relative to the rights of intermarried Cherokees."

Respectfully,

Commissioner in Charge.

COPY

Cherokee -323

Muskogee, Indian Territory, August 17, 1903.

George W. Johnson,

Aften, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 20, 1902, granting your application for the enrollment of yourself and your two minor children, George T. and Joseph W. Johnson, as citizens of the Cherokee Nation and your wife, Ann Johnson, as a citizen by intermarriage, and dismissing your application for the enrollment of your minor child, Leslie T. Johnson, as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except your wife, Ann Johnson, on July 30, 1903.

The Department's letter states, "The rights of Ann Johnson, who claims as a citizen by intermarriage of the Cherokee Nation, will not be adjudicated by the Department at the present time but will await the decision of the Court of Claims upon the question submitted to said court on February 24, 1903, relative to

-2-

the rights of intermarried Cherokees.

Respectfully,

I. D. Needles.
Commissioner in Charge.

COX
Cherokee Freedman
D-475

Waskoon, Indian Territory, August 17, 1903

Clara Grayson,

Waskoon, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your minor grand child, Gertrude Grayson, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Waskoon, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-111
Register.

Commissioner in Charge.

copy

Cherokee Record
1-216

Cherokee, Indian Territory, August 17, 1903

J. R. Sequichie,
Agent for Aaron Webber,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the matter of the application of Aaron Webber for his enrollment as a Cherokee Freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, his said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

make known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

cc - 110
11/1/50

Cherokee Freedman
P-216

COPY.

Waskopee, Indian Territory, August 17, 1903

Aaron Webber,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your agent, J. R. Sappleton, Okfuska, Indian Territory, a copy of the record of proceedings and if the original application there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Board's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

S. B. Needles.

Commissioner in Charge.

Enc. D-109

Register.

Cherokee Freedman
D-410

Waskoppee, Indian Territory, August 17, 1903

Edward H. Webber,
Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

F. E. Needles

Enc. D-108
Register.

Commissioner in Charge

Cherokee Freedman
D-409

Muskogee, Indian Territory, August-17, 1903

Wesley Webber,
Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

H. H. Woodson

Enc. D-107
Register.

Commissioner in Charge.

COPY.

Cherokee Freedman
D-408

Muskogee, Indian Territory, August 17, 1903

Moses Webber,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-106

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen
F-404

Muskogee, Indian Territory, August 17, 1903

Andrew Alberty,

Centralia, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself, your wife, Lizzie Alberty, and your six minor children, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

F. B. Needles,
Commissioner in Charge.

Enc. D-105

Register.

Cherokee Freedman
D-391

Washlogoc, Indian Territory, August 17, 1903

Elizabeth Neigs,
Centralia, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 18, 1903, granting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. B. Needles
Commissioner in Charge.

Enc. D-104

Register.

Cherokee Freedmen
D-394

Muskogee, Indian Territory, August 17, 1903

George Weigs, Jr.,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your minor child, George Weigs, Jr., as Cherokee freedmen. There has heretofore been furnished your agent, Louis E. Brown, Winita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-103
Register.

Commissioner in Charge.

COPY.

Cherokee Freedman
D-396

Muskogee, Indian Territory, August 17, 1903.

John Weigs,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. 7-103
Register.

Commissioner in Charge.

Cherokee Freedman
D-398

Muskogee, Indian Territory, August 17, 1903.

Flemings Weigs,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Winita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-101

Register.

Commissioner in Charge.

Cherokee Freedmen
D-482

Muskogee, Indian Territory, August 17, 1903

Miss Mattie Carroll,

Winor, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself, your sister, Katie Keiss, and your two brothers, Nathan and Henry T. Keiss, as Cherokee freedmen. There has heretofore been furnished your agent, Louis E. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-99
Register.

Commissioner in Charge.

Cherokee Freedmen
D-401

Muskogee, Indian Territory, August 17, 1903

Irene Hanks,
Wimer, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your two minor children, George and Elexon Hanks, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

F. D. McCallis.

Commissioner in Charge.

Enc. D-100
Register.

Cherokee Freedmen
-775

COPY.

Muskogee, Indian Territory, August 17, 1903.

Samuel Beck,

Bartlesville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of your wife, Mary Beck, and your minor child, Luquittie Beck, and rejecting your application for the enrollment of yourself, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinit, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[Signature]
Commissioner in Charge.

Enc. D-97

Register.

-2-

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision . The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-95

Register.

Cherokee Freedmen
D-407

Muskogee, Indian Territory, August 17, 1903.

Harriett Webber,
Wimer, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your minor child, Millie M. Webber, and rejecting your application for the enrollment of your minor child, Hattie Webber, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-98

Register.

COPY.

Cherokee -461

Claremore, Indian Territory, August 27, 1903.

J. H. Taylor,

Representing A. H. Callaway,

Attorney for Goley Hugh Marlow et al.,
Claremore, Indian Territory.

Sir:

You have previously advised that the Commissioner's decision of November 27, 1902, granting the application of Goley Hugh Marlow for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Fannie L. Marlow, and his seven minor children, Martha, Walter, Lina, James, Joseph, Elsie and Pauline Marie, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except Goley Hugh Marlow, on August 1, 1903.

The Department's letter states, "The rights of Goley Hugh Marlow, who claims as a citizen by intermarriage of the Cherokee Nation, will not be affected by the Department of the Interior. The Department will await the decision of the Court of Claims upon

-2-

the question submitted to said court on February 24, 1903, relative to the rights of intermarried negroes."

Respectfully,

T. D. Needles.

Commissioner in Charge.

CR

INDEXED.

Cherokee Freedmen D-496.

Muskogee, Indian Territory, August 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

It is requested that the record in the matter of the application for the enrollment of Clara Grayson et al., as Cherokee freedmen, be returned to the Commission. Since the signing of the Commissioner's decision the father of Gertrude Grayson has been identified on the 1880 authenticated roll of the Cherokee Nation, and she should therefore be enrolled as a Cherokee freedman.

Respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

Refer in reply to the following:

Land
53558-1903.
56859-1903.
61805-1903.

CFL

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al. case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.

Commissioner.
ACT

G.A.W.-L.C.

COPY.

Muskogee, Indian Territory, December 9, 1904.

Commissioner in Charge
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear sir:

It is requested that the record in the consolidated case of Joe Ross, et al., (Cherokee Freedman D-350, et al.,) be returned to the General Office in order that it may be reconsidered in connection with testimony recently taken affecting the application for the enrollment of certain parties included in said consolidated case.

Respectfully,

(SIGNED). *Tame Bixby.*
Chairman.

Cherokee Freedmen
D 350 et al.

Muskogee, Indian Territory, January 7, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

Through inadvertence this office failed to file in the consolidated case of Joe Ross, et al., Cherokee Freedmen D 350, et al., affidavits showing the birth of George and Flemon Hanks, Ben, Dollie and Ned Alberty, and Hattie Webber. These affidavits are in due form and have been approved and will be filed with the case when returned to this office.

Respectfully,

Chairman

COPY.

Cherokee Freedmen

D-360, et al.

Muskogee, Indian Territory, April 17, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chlora Grayson, Elizabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flemon Hanks, Hattie Carell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. 3-63.

COPY.

Cherokee Freedmen
D-350, et al.

Muskogee, Indian Territory, April 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1905, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chlora Grayson, Elizabeth, George Sr., George Jr. John and Flemings Meigs, Irene, George and Flemon Hanks, Hattie Carell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

Incl. S-64

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-350.

Muskogee, Indian Territory, April 17, 1905.

Joe Ross,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Dixby.*
Chairman.

Incl. S-40.
Register.

COPY.

Cherokee Freedmen

D-350, et al.

Muskogee, Indian Territory, April 17, 1905.

Edgar Smith,

Attorney for Joe Ross, et al.,

Vinita, Indian Territory.

Dear Sir:

The e is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting, among others, the application for the enrollment of Joe Ross and Gertrude Grayson, and rejecting, among others, the application for the enrollment of Chlora Grayson, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-60
Register

SIGNED)

Tame Dixby
Chairman.

C O P Y .

Land.
30769-1905.
43223-1905.
44630-1905.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs
Washington.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister, Chlora Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Plimon Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Wollie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

himself.

April 17, 1906, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lissie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlora Grayson, Elizabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flemon Hanks, Hattie Carrell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Mattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Ferrick and John Wright.

The record shows that Joe Ross, Chlora Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Albert, Samuel Beck and Edward Ferrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1865 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Moses, Wesley and Edward N. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 28, 1908. George Jr., John and Fleming Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess ^{any} rights as a Cherokee Freedman; George and Plamen Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carrell, Katie, Nathan and Henry . . Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie, Charity, Nellie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Book returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant, Luqui tie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Vester, who is identified on the 1880 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1886 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1846. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 7538-1905.

8884- "
8900- "

June 25, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlora Grayson et al., Aaren Webber, Elizabeth Meigs, George Meigs, Sr. et al., John Meigs, Flemings Meigs, Irene Hanks et al., Hattie Carell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward N. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Hattie Carell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward N. Webber, Harriet Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the records, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Puquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlora Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson.

1 inclosure.

Assistant Secretary

Cherokee freed-
man D. 350

Muskogee, Indian Territory, July 6, 1906.

Joe Ross,
Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1906, for review of your case, was denied on said date.

You are further advised that you will not be permitted to make an allotment selection in the Cherokee Nation until your name has been placed upon a schedule of Cherokee freedmen and affirmed by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Commissioner.

MCP

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7
WMP

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,
Attorney for Joe Ross, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-7
MCP

Commissioner.

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,
Attorneys for Joe Ross, et al.,
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the five civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chloris Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6
MMP

Commissioner.

712211
REFER IN REPLY TO THE FOLLOWING

HF 456.

724
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 1, 1906.

Chief Clerk,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the name of Jess Ross, son of Joe Ross, an alleged citizen of the Cherokee Nation, and Salina Ross, a Creek Freedman, is contained in a partial schedule of new born freedmen (March 3, 1905) of the Creek Nation, approved by the Secretary of the Interior July 10, 1906, opposite roll number 588.

Respectfully,



Commissioner.

53558

Post Office

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DEPARTMENT OF THE INTERIOR.

BEFORE THE

Honorable Commission to the Five Civilized Tribes.

In the Matter of the Applications of Numerous Persons for Enrollment as Cherokee Freedmen.

HISTORICAL.

Prior to 1866, beginning with 1785, the Cherokees made numerous treaties with the government of the United States, all of which defined the boundaries of the lands occupied by the Cherokees and guaranteed them protection in the occupancy thereof. Under the several treaties mentioned the landed interests of the Cherokees were diminished and sums of money were given them by the government of the United States in lieu thereof which were invested for the Cherokee Nation and the interest guaranteed and

paid by the government of the United States semi-annually, which was used by the Cherokee Nation to pay the school, orphan and general expenses of the government. When the civil war first broke out the Cherokees first agreed to join the Confederacy, and because of this act of hostility against the government their annuities were confiscated by acts of Congress in 1862 and 1863 and the protection heretofore guaranteed was withdrawn. Many of the half breed Cherokees and a very few fullbloods were large slave holders. Those in charge of the Cherokee government, seeing that they had made an error, afterwards joined the Union army. After the war was over and the Cherokees returned to their homes, they found nothing but blackened chimneys, rude huts and devastated fields; they found that Congress had confiscated their annuities and they were therefore without money to reconstruct and to run their government; and they also found that the protection which had heretofore been guaranteed them by numerous treaties on the part of the United States had been withdrawn. It was therefore necessary, in order to restore amicable relations with the government of the United States, to have their annuities restored and protection afforded them against the intrusion of non-citizens, that a treaty be negotiated.

Under these circumstances the treaty of eighteen hundred and sixty-six was authorized by the Cherokee people and among other provisions the government of the United States insisted that the Ninth Article, conferring citizenship upon the former slaves of Cherokee citizens as well as all free colored persons who were residing in the Cherokee Nation at the beginning of the war, should be inserted in that treaty. By another article of the treaty of eighteen hundred and sixty-six, and by virtue of certain agreements made in accordance therewith, the Delawares and Shawnees became citizens of the Cherokee Nation. All classes of citizens were granted equal political rights and it was not until a per capita payment was made in 1883, and the moneys derived from a lease of what is known as the Cherokee Strip disbursed that any discrimination was made between the different classes of citizens of the Cherokee Nation, when the money distributed was paid to Cherokees by blood as it was afterwards in eighteen hundred and eighty-six, eighteen hundred and ninety-one and eighteen hundred and ninety-four, the National Council holding that all other citizens of the Cherokee Nation other than Cherokees by blood had only political rights and the right to occupy and till the soil, but had no interest

in the lands or moneys belonging to the Cherokee Nation.

WALLACE ROLL.

In eighteen hundred and eighty-eight, the attention of Congress having been called to the discrimination of the Cherokee National Council in eighteen hundred and eighty-three and eighteen hundred and eighty-six against Cherokee Freedmen, Delawares and Shawnees, seventy-five thousand dollars was appropriated and subsequent legislation provided for making a census roll of these people and the money appropriated to be distributed among them per capita. Mr. John W. Wallace was appointed and came to the Cherokee Nation to make a roll of Cherokee Freedmen in eighteen hundred and eighty-nine. The Cherokee Nation was not represented before Mr. Wallace in the making of this roll because it was contended by those in authority that the United States did not have the right to determine who were citizens of the Cherokee Nation and that therefore any roll that might be made by the agents of the United States would not be a roll binding upon the Cherokee Nation. The Supreme Court of the United States had recently decided, on March 1st, 1886, (117 U. S. 288 to 312) in

what is known as the North Carolina case: "If Indians in that state or in any other state west of the Mississippi wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation and be readmitted to citizenship as there provided. They cannot live out of its territory and avoid the obligations and burdens of citizenship and at the same time enjoy the benefits of the funds and common property of the nation. Those funds and that common property were dedicated by the constitution of the Cherokees and were intended by the treaties with the United States for the benefit of the United Nation and not in any respect for those who have separated from it and become aliens to their nation."

The Cherokees contended that under this constitution that they alone had the right to determine who were citizens of the Cherokee Nation and therefore refused to recognize that John W. Wallace had authority to make a roll of Cherokee Freedmen and therefore declined to be represented in the making of that roll. It is unnecessary for us here to call attention to the perjury and corruption that attended the sessions of the Wallace court as the Commission

is well advised that hundreds of Freedmen were enrolled by John W. Wallace who did not live in the Cherokee Nation and who were not entitled under the treaty of eighteen hundred and sixty-six to be so enrolled. Numerous standing witnesses followed the sessions of the court and made a lucrative business swearing others on the roll. It is not now contended that this is a fair roll, not even by the Freedmen themselves.

Following the making of this roll Congress on the first day of October, 1890, passed an enabling act permitting the Cherokee Freedmen to institute suit in the Court of Claims against the Cherokee Nation for moneys alleged to have been unconstitutionally withheld from them and to determine their interests in the lands and moneys belonging to the Cherokee Nation. On May 8, 1895, a decision was rendered by the Court of Claims in favor of the Freedmen in which it was determined that the roll made by John W. Wallace after the dead were eliminated therefrom and those subsequently born up to May 3, 1894, were added, should be a roll for the distribution of the money found to be due the Cherokee Freedmen. The Cherokee Nation was very much dissatisfied with this roll because of its known unfairness, as subsequent investigations have

clearly shown, and an appeal was authorized to be taken to the Supreme Court in the case in order that that part of the decree particularly, as well as other features of the case generally, might be tested. The compromise provisions authorized by the National Council in the fall of 1895 were rejected by the Court of Claims on January 27, 1896, (31 Court of Claims page 140) and afterwards on February 3, 1896, a final and accepted decree was rendered in the case in which the commission was authorized to make a Freedmen roll

ACT OF JUNE 28, 1898.

The act of Congress approved June 28, 1898, section 21, in instructing the Commission to the Five Civilized Tribes to make a roll of citizens of the Cherokee Nation provides as follows:

"It shall make a roll of Cherokee Freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

The Cherokee Nation contends that the only jurisdiction the Commission has for enrolling any person as a Freedmen citizen of the Cherokee Nation is this decree and it is therefore important that we look at it carefully and see who are authorized to be enrolled under its terms.

DECREE OF COURT OF CLAIMS OF FEBRUARY 3, 1896.

The only part of said decree pertaining to the making of a roll of Cherokee Freedmen after providing for the appointment of three commissioners is as follows:

"That the said commissioners, in ascertaining the identity of all Freedmen entitled to share under this decree, shall accept what is known as the authenticated Cherokee roll, the same now being on file in the office of the Secretary of the Interior, having been furnished to him and purporting to have been taken by the Cherokee Nation in eighteen hundred and eighty, for the purpose of showing the *number* of Freedmen *then* entitled to citizenship in the said nation under the terms of the treaty between the United States and the Cherokee Nation herein before referred to, and their descendants; and the said commissioners shall ascertain who of said persons named on said roll were alive and what descendants of said persons were alive on May 3, 1894, and no evidence shall be accepted by said commission tending to disprove the citizenship of any of the persons whose names appear upon said roll."

Now the Commission is directed to make a roll in strict compliance with this decree and we contend that this decree restricts the Commission to the enrollment of only those persons whose names appear upon the authenticated Cherokee roll of eighteen hundred and eighty and the descendants since born to those persons whose names appear upon said roll,

and that the Commission has no jurisdiction to receive, consider or make any record of any person desiring to be listed for enrollment as a freedman citizen unless his name appears upon the roll of eighteen hundred and eighty, or unless he is a descendant of such person since born. In the event that the applicant is found to have been born prior to eighteen hundred and eighty and upon investigation his name does not appear upon the authenticated Cherokee roll of eighteen hundred and eighty, the Cherokee Nation contends that it is the duty of the Commission to not further consider or to take any more testimony whatever with reference to the applicant's rights to be enrolled as a freedman citizen. This decree plainly says:

"That the Commission shall take the authenticated Cherokee roll * * * * for the purpose of showing the *number* of freedmen *then* entitled to citizenship in said nation under the terms of the treaty between the United States and the Cherokee Nation herein before referred to and their descendants."

If the Commissioners appointed under that decree were to take the roll of eighteen hundred and eighty for the purpose of showing the *number* of freedmen *then* entitled to citizenship, certainly the roll of eighteen hundred and eighty must show the *whole*

number entitled and if it showed the whole number, no one was entitled in eighteen hundred and eighty whose name was not among that *number*. The Commission to the Five Civilized Tribes takes the place of the Commissioners appointed under the terms of that decree and they are directed to make a roll in strict compliance with the terms thereof and we submit that nowhere in the decree is there any authority for the enrollment for any person as a freedman citizen of the Cherokee Nation whose name is not found on the roll of eighteen hundred and eighty unless he be a descendant of such person since born. The act of congress intended that the Commission to the Five Civilized Tribes should take the roll of eighteen hundred and eighty as of that date; that said roll should be brought up to the present time, eliminating therefrom the names of all persons who had since died or forfeited or abjured their citizenship and to add the names of all persons born to those whose names appear upon the authenticated roll of eighteen hundred and eighty since that time. In other words the roll of eighteen hundred and eighty showed the whole number of freedmen *then*, viz: In eighteen hundred and eighty.

We contend that we are borne out by this construction of the decree of date February third,

eighteen hundred and ninety-six, because no other construction can legitimately be made of it and for numerous other reasons:

First—Because it is a well known fact that Honorable Archibald S. McKennon was a member of the commission to the Five Civilized Tribes in eighteen hundred and ninety-eight, that he is a lawyer, that he drafted section twenty-one of the Curtis bill which contains the above provision directing that the roll of Cherokee freedmen should be made in strict compliance with the decree of the Court of Claims of date February third, eighteen hundred and ninety-six and it is well known that he has stated publicly and privately, and contended before the courts, and communicated to the secretary of the interior that he construed the decree of the Court of Claims of date February third, eighteen hundred and ninety-six, to confirm the Cherokee authenticated roll of eighteen hundred and eighty and that the Commission had no right to enroll any person born prior to eighteen hundred and eighty, unless his name appeared thereon. He was a member of the commission in eighteen hundred and ninety-six, and the commission at that time was engaged in making a roll of

the citizens of the Cherokee Nation under the act of June 10th, 1806, and therefore, had much to do with the citizenship business of the Cherokee Nation. Hundreds of complaints came to the commission, that fraud was being practiced in the making of the Kern-Clifton roll which was made in the summer of eighteen hundred and ninety-six; that hundreds of persons living in the States were unlawfully enrolled thereon; that hundreds of persons whose names appeared upon the roll of eighteen hundred and eighty were omitted therefrom; that numerous persons who were rejected by the commissioners were afterwards enrolled as citizens, and in fact the decree of the Court of Claims disregarded very largely, if not entirely, in the making of the Kern-Clifton roll. For this reason he recommended and strongly urged when the Curtis bill was pending in congress that a correct freedmen roll should be made and he and congress construing the decree of date February third, eighteen hundred and ninety-six to mean the taking of the roll of eighteen hundred and eighty and correcting it up to date, caused the insertion of the provision herein above quoted, that the roll should be made in strict compliance with this decree.

Second—Because congress never intended that

the commission under the act of June twenty-eighth, eighteen hundred and ninety-eight, should hear new applications for citizenship in the Cherokee Nation. The commission was authorized to do this under the act of June 10th, eighteen hundred and ninety-six when about fifty thousand people applied for citizenship in the Cherokee Nation and among them numerous freedmen over which class the commission assumed jurisdiction and among them were the following:

George W. Vann, now listed for enrollment upon Cherokee Freedmen Doubtful Card Number 115. Rejected, Dawes commission *Number 257*. Frank Harnage, rejected in eighteen hundred and ninety-six, appealed to the court and was rejected, court number 157. Jerry Martin, et. al., admitted by the court on appeal in eighteen hundred and ninety-six, court number 7.

There has been no legislation since that time granting any applicant the right to make a general application for citizenship in the Cherokee Nation, but it was intended by the act of June twenty-eighth, eighteen hundred and ninety-eight, and the act of May 31st, nineteen hundred, that the commission should make a roll of the recognized citizens of the Cherokee Nation and not to hear the applications

of any persons who had never been recognized as citizens, and we contend that it is the duty of the commission now to investigate whether or not a person is a recognized freedman citizen of the Cherokee Nation and the only way to ascertain that fact is to find out whether or not his name appears upon the roll of eighteen hundred and eighty, and if not, the commission has no further jurisdiction to investigate his case if he were born prior to that time.

Third—The decree of May eighth, eighteen hundred and ninety-five, rendered in the case of Moses Whitmire, Trustee, vs. the Cherokee Nation also confirms us in our contention as to the construction which should be placed upon the decree of February third, eighteen hundred and ninety-six, substituted in the place of the first decree where the court at some length discusses the inadvisability of attempting to make an original roll of the freedmen entitled under the treaty of eighteen hundred and sixty-six, where the Court said:

"In the present case it is a matter of public concern, as well as of private right that the controversy be put to an end. It is not alone a mere litigation for dollars and cents affecting individual suitors; it is also a controversy affecting the whole nationality and disturbing the peace and order of society. To intensify the ill feeling which the con-

troversy has aroused by sending a commissioner into the Cherokee country, and have him carry on there what practically would be a trial and controversy in regard to every individual complainant, is a proceeding which a court would not be justified in instituting unless it were an imperative necessity. * * *

* * * The information before the Court and in the archives of the department of the interior, it is believed, will enable the Court to award substantial justice and bring the controversy between the freedmen and the Cherokee Nation at once to an end."

The Court, after reciting how the Wallace roll was made under the acts of congress dated October 19, 1888, and March 2nd, 1899, said:

"The Court believes that the roll affords the best evidence which exists or which can be procured. The large amount to be received by every individual complainant, more than \$250.00 for each person—more than \$1,000.00 for every family of freedmen; the unsettled state of the country, the scattered character of the population, the remote places in which they live and the remote dates to which the investigation must extend—from 1866 to 1894—are conditions which offer the strongest inducements to fraud on the one side and to intimidations and discriminations on the other. It may be that the Wallace roll was extended beyond the true number of persons entitled to be placed thereon; but if it was, the fault was with the Cherokee Nation. * * *

The Court believes that the difficulties in arriving at a true result which existed then will be greatly multiplied now." (30th Court of Claims, 180).

We contend that the above extracts from that decision of the Court of Claims of date May 8th, 1895, show conclusively that it was the intention of the Court to confirm some roll, and the difficulties because of the time that has elapsed since 1866, and the inducements to fraud and perjury were seen and appreciated by the Court which at that time decreed that the Wallace roll should be accepted and corrected up to date, hence, when they substituted the decree of February 3rd, 1896, on motion of the complainant alone, the Cherokee Nation contends that it was the intention of the Court, appreciating all of the difficulties in the way of making an original roll of the persons entitled under the 9th article of the treaty of 1866, to substitute the roll of eighteen hundred and eighty for the Wallace roll.

But counsel for applicants contend that because the decree defines who are entitled under the 9th article of the treaty of 1866 a number of times that therefore, it is plain that it did not intend to confirm the roll of eighteen hundred and eighty, but this position is not tenable for this reason, that the entire decree of the Court of Claims which confirmed the Wallace roll of date May 8th, 1895, down to the place where provision is made for the confirmation of the Wallace roll is exactly the same as the de-

creed entered of date February 3rd, 1896, down to the appointment of the three commissioners to revise and correct, as we contend, the roll of eighteen hundred and eighty, and for easy reference, in order that these two decrees might be compared, they are inserted in this brief, and if the defining of who are entitled under the 9th article of the treaty of 1866 did not authorize the making of a new roll under the decree of May 8th, 1895, certainly then the same language used in the decree of date February 3rd, 1896, would not so authorize the making of a new roll:

DECREE OF MAY 8, 1895,
CONFIRMING WALLACE
ROLL.

"This cause coming on to be heard upon the amended petition, answer, agreed facts, proofs, and arguments submitted by the parties, respectively, and the Court having heard the same and considered the just rights in law and equity of the freedmen of the Cherokee Nation, including all persons who had been liberated by voluntary act of their owners, or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and resided therein July 19, 1866, or returned thereto

DECREE OF FEBRUARY 3RD,
CONFIRMING ROLL OF
1880, SUBSTITUTED FOR
DECREE OF MAY 8, 1895:

"This cause coming on to be heard upon the amended petition, answer, agreed facts, and arguments submitted by the parties, respectively, and the court having heard the same and considered the just rights in law and equity of the freedmen of the Cherokee nation, including all persons who had been liberated by voluntary act of their owners or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and resided therein July 19, 1866, or re-

within 6 months thereafter, and their descendants who are settled and incorporated into the Cherokee Nation, in pursuance of the authority vested in the court by act of congress entitled: An Act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes. Approved October 1, 1890."

"And it appearing to the court that under the provisions of article 9 of the treaty of July 19, 1866, made by and between the Cherokee Nation and the United States, the said freedmen, who had been liberated by voluntary act of their former owners, or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who had returned thereto within six months of said last mentioned date, and their descendants, were admitted into and became a part of the Cherokee Nation, and entitled to equal rights and immunities, and to participate in the Cherokee national funds and common property in the same manner and to the same extent as Cherokee citizens of

turned thereto within six months thereafter, and their descendants who are settled and incorporated into the Cherokee Nation, in pursuance of the authority vested in the court by act of congress entitled: 'An Act to refer to the Court of Claims certain claims of Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes,' approved October 1, 1890."

"And it appearing to the court that under the provisions of article 9 of the treaty of July 19, 1866, made by and between the Cherokee Nation and the United States, the said freedmen, who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who had returned thereto within six months of said last mentioned date, and their descendants, were admitted into and became a part of the Cherokee Nation and entitled to equal rights and immunities, and to participate in the Cherokee national funds and common property in the same manner and to the same extent as Cherokee citizens of

Cherokee blood."

"It further appearing to the court that under and by virtue of an act entitled: 'An act making appropriations for current and contingent expenses, and for fulfilling treaty stipulations with Indian tribes, for the fiscal year ending June 30th, 1894,' approved March 3, 1893, it was provided for the payment to the Cherokee Nation of the sum of \$8,595,736, the same to be in full consideration of all the right, title, interest, and claim which said nation might have in the lands west of 96 degrees west longitude, commonly known as the Cherokee Outlet, and it further appearing that of the said sum of \$8,595,736 the sum of \$295,736 was appropriated by said act out of the treasury of the United States and made immediately available, and that the balance thereof, to-wit: \$8,300,000, was made payable in five annual installments, the first to be payable on the fourth of March, 1895, and all deferred payments to bear interest at the rate of 4 per centum per annum, and that a sufficient amount of the money provided in said act should be paid for the purchase of said Cherokee Outlet to pay the Delawares and Shawnees their pro rata share of

Cherokee blood."

"It further appearing to the court that under and by virtue of an act entitled: 'An act making appropriations for current and contingent expenses, and for fulfilling treaty stipulations with Indian tribes for the year ending June 30, 1894,' approved March 3, 1893, it was provided for the payment to the Cherokee Nation of the sum of \$8,595,736, the same to be in full consideration of all the right, title, interest, and claim which said nation might have in the lands lying west of 96 degrees west longitude, commonly known as the Cherokee Outlet; and it further appearing that of the said sum \$8,595,736, the sum of \$295,736 was appropriated by said act out of the treasury of the United States and made immediately available, and that the balance thereof, to-wit: \$8,300,000, was made payable in five annual installments, the first to be payable on the fourth day of March, 1895, and all deferred payments to bear interest at the rate of 4 per centum per annum, and that a sufficient amount of the money provided in said act should be paid for the purchase of said Cherokee Outlet to pay the Delawares and Shawnees their pro rata

said Outlet, should remain in the treasury of the United States until the status of said Delaware and Shawnee Indians should be determined by the courts of the United States before which their suits were then pending, so a sufficient amount to pay the freedmen, who are Cherokee citizens, as the same shall be determined by the courts; and the said act further providing that if the legislative council of the Cherokee Nation should deem it more advantageous to their people they might issue a loan for the principal and interest of the deferred payments, pledging said amounts of interest and principal to secure such payment of such debt; and it appearing to the court that said Cherokee Nation has borrowed from the Union Trust Company of New York, the sum of \$6,640,000, and pledged as security therefor the four payments as aforesaid, falling due after the fourth day of March, 1895, and that the payment falling due on the said 4th day of March, 1895, amounting to \$1,660,000, has been retained in the treasury of the United States from which to pay the Delawares, Shawnees, and freedmen, as hereinbefore set forth; and it further ap-

share of said Outlet, should remain in the treasury of the United States until the status of said Delaware and Shawnee Indians should be determined by the courts of the United States before which their suits were then pending, also a sufficient amount to pay the freedmen, who are Cherokee citizens, as the same shall be determined by the courts; and the said act further providing that if the legislative council of the Cherokee Nation should deem it more advantageous to their people they might issue a loan for the principal and interest of the deferred payments, pledging said amounts of interest and principal to secure payment of such debt; and it appearing to the court that said Cherokee Nation has borrowed from the Union Trust Company of New York, the sum of \$6,640,000, and pledged as security therefor the four payments as aforesaid, falling due after the 4th day of March, 1895, and that the payment falling due on the said 4th day of March, 1895, amounting to \$1,660,000 has been retained in the treasury of the United States from which to pay the Delawares, Shawnees, and freedmen, hereinbefore set forth; and it further appearing to the

pearing to the court that the said \$6,640,000 so borrowed by the Cherokee Nation, has been distributed to the Cherokee citizens of Cherokee blood, to the exclusion of the complainants, the aforesaid freedmen and free colored persons and their descendants, as well as the two funds of \$300,000, each distributed by the act of the Cherokee council, of date April 26, 1886, and November 25, 1890, as charged in the amended petition in this case."

"It is ordered, adjudged, and decreed that so much of the acts of the Cherokee National council of date April 26, 1886, November 25, 1890, and May 3, 1894, as restricts the distribution of funds which were derived from the public domain and from the sale of lands by the Cherokee Nation to the Government of the United States, to citizens of the nation by blood be held and decreed void and contrary to and in derogation of the Constitution of the Cherokee Nation and the provisions and stipulations of article 9 of the aforesaid treaty of July 19, 1866, with respect to the rights of said freedmen, who had been liberated by voluntary act of their former owners, or by law and all free colored persons who

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resided in the Cherokee country at the commencement of the rebellion and who on the said date resided therein; or returned thereto within six months thereafter, and their descendants; and that the said Cherokee Nation or its trustees, the United States, account for, render, and pay to the aforesaid freedmen and free colored persons and their descendants, out of any funds of the said nation in its national treasury, or in custody of the United States trustees, or held by agreement between said nation and the United States for the purpose of satisfying the decree herein rendered not specifically appropriated by law to other purposes, or out of funds which may hereafter come to the possession of said trustee belonging to the Cherokee Nation, a sum equal to the aggregate amount which said freedmen and free colored persons and their descendants would have received if the before mentioned void and unconstitutional restrictions in said statutes had not existed."

"And it is further adjudged and decreed that the complainants in this suit and those whom they represent, being the freedmen and free colored persons aforesaid and their descen-

Cherokee country at the commencement of the rebellion and who on the said date resided therein, or who returned thereto within six months thereafter, and their descendants; and that the said Cherokee Nation or its trustees, the United States, account for, render, and pay to the aforesaid freedmen and free colored persons and their descendants, out of any funds of the said nation in its national treasury, or in the custody of the United States as trustee, or held by agreement, between said nation and the United States for the purpose of satisfying the decree herein rendered, not specifically appropriated by law to other purposes, or out of funds which may hereafter come to the possession of said trustee belonging to the Cherokee Nation, a sum equal to the aggregate amount which said freedmen and free colored persons and their descendants would have received if the before mentioned void and unconstitutional restrictions in said statutes had not existed."

"And it is further adjudged and decreed that the complainants in this suit and those whom they represent, being the freedmen and free colored persons aforesaid and their de-

ants, are entitled to participate hereafter in the common property of the Cherokee nation in the same manner and to the same extent as Cherokee citizens of Cherokee blood or parentage may be entitled, and that in the distribution of the proceeds and avails of the public domain or common property of the nation among the citizens thereof by distribution per capita at any time hereafter, the defendant, the Cherokee Nation, and the defendant, the United States, as trustee of the Cherokee Nation, be enjoined and prohibited from making any discrimination between the Cherokee citizens of Cherokee blood or parentage and Cherokee citizens who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion, and were residents therein at the date of said treaty, or who returned thereto within six months thereafter, and their descendants, to the prejudice of the latter."

"It being understood that the freedmen and their descendants and free colored persons above referred to shall include only such per-

scendants living and in being on the 3rd day of May, 1894, are entitled to participate hereafter in the common property of the Cherokee Nation in the same manner and to the same extent as Cherokee citizens of Cherokee blood or parentage may be entitled, and that in the distribution of the proceeds and avails of the public domain or common property of the nation among the citizens thereof by distribution per capita at any time hereafter, the defendant, the Cherokee Nation, and the defendant, the United States, as trustee of the Cherokee Nation, be enjoined and prohibited from making any discrimination between the Cherokee citizens of Cherokee blood or parentage and Cherokee citizens who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who returned thereto within six months thereafter, and their descendants, to the prejudice of the latter."

"It being understood that the freedmen and their descendants and free colored

sons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree."

"It is further adjudged and decreed with respect to the participation of said freedmen and free colored persons aforesaid and their descendants in the three funds referred to in the three statutes of the Cherokee Nation hereinbefore declared to be void and unconstitutional, that the Cherokees by blood having received a sum which amounts at the date hereto to \$7,240,000, in which the said freedmen and free colored persons aforesaid and their descendants were entitled to have and participate in the distribution of said sum; and for the purpose of fixing an amount thereof which ought to be distributed among said freedmen and free colored persons and their descendants, it is further adjudged and decreed that said freedmen and free colored persons and their descendants are entitled to have and receive the sum of \$903,365 out of the sum last aforesaid, after deducting the amounts

persons above referred to shall include only such persons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree."

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hereinafter allowed and paid to the trustee herein as his compensation for services as trustee and the attorney of record of the plaintiff herein, to be paid by the Secretary of the Interior to the freedmen and the free colored persons aforesaid and their descendants, per capita, who would have been entitled to receive the same if the unconstitutional restrictions and discriminations in said statutes had not existed. Such payments to be made upon a roll of said freedmen and free colored persons and their descendants as prepared and approved by the Secretary of the Interior in accordance with provisions hereinafter set forth in this decree."

"And it is further ordered, adjudged, and decreed that for the purpose of enrolling and enumerating the freedmen and free colored men aforesaid and their descendants who are entitled to participate in the funds herein before decreed to them; and it further appearing to the court that an enumeration of the aforesaid freedmen, free colored persons, and their descendants was made and approved under and by virtue of an act of congress, by the Secretary of the Interior Department of the

paid to the trustee herein as his compensation for services as trustee and the attorney of record of the complainant herein, and the other expenses incident to the ascertainment and payment of the complainants, the freedmen, as hereinafter provided, such balance remaining to be paid by the Secretary of the Interior to the freedmen and free colored persons aforesaid, and their descendants, per capita, who would have been entitled to receive the same if the unconstitutional restrictions and discriminations in said statutes had not existed. Such payments to be made upon the roll of said freedmen and free colored persons and their descendants as prepared and approved by the Secretary of the Interior, in accordance with provisions hereinafter set forth in this decree."

"And it is further ordered and adjudged that, for the purpose of ascertaining and determining who are the individual freedmen of the Cherokee Nation now entitled to share in the distribution of the said sum of \$903,365, the Secretary of the Interior be authorized to appoint three commissioners, one on the nomination of the complainant and one on the nomination

sons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree."

"It is further adjudged and decreed with respect to the participation of said freedmen and free colored persons aforesaid and their descendants in the three funds referred to in the three statutes of the Cherokee Nation heretofore declared to be void and unconstitutional, that the Cherokees by blood having received a sum which amounts at the date hereof to \$7,240,000, in which the said freedmen and free colored persons aforesaid and their descendants were entitled to have and participate in the distribution of said sum; and for the purpose of fixing an amount thereof which ought to be distributed among said freedmen and free colored persons and their descendants, it is further adjudged and decreed that said freedmen and free colored persons and their descendants, it is further adjudged and decreed that said freedmen and free colored persons and their descendants are entitled to have and receive the sum of \$903,365 out of the sum last aforesaid, after deducting the amounts

persons above referred to shall include only such persons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree."

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hereinafter allowed and paid to the trustee herein as his compensation for services as trustee and the attorney of record of the plaintiff herein, to be paid by the Secretary of the Interior to the freedmen and the free colored persons aforesaid and their descendants, per capita, who would have been entitled to receive the same if the unconstitutional restrictions and discriminations in said statutes had not existed. Such payments to be made upon a roll of said freedmen and free colored persons and their descendants as prepared and approved by the Secretary of the Interior in accordance with provisions hereinafter set forth in this decree."

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paid to the trustee herein as his compensation for services as trustee and the attorney of record of the complainant herein, and the other expenses incident to the ascertainment and payment of the complainants, the freedmen, as herein after provided, such balance remaining to be paid by the Secretary of the Interior to the freedmen and free colored persons aforesaid, and their descendants, per capita, who would have been entitled to receive the same if the unconstitutional restrictions and discriminations in said statutes had not existed. Such payments to be made upon the roll of said freedmen and free colored persons and their descendants as prepared and approved by the Secretary of the Interior, in accordance with provisions hereinafter set forth in this decree."

"And it is further ordered and adjudged that, for the purpose of ascertaining and determining who are the individual freedmen of the Cherokee Nation now entitled to share in the distribution of the said sum of \$903,365, the Secretary of the Interior be authorized to appoint three commissioners, one on the nomination of the complainant and one on the nomination

United States, and that said census of the aforesaid freedmen and free colored persons and their descendants was known as the "Wallace Roll," and that said Wallace Roll contained the number of said persons as were in existence on the 4th day of March, 1883, and that the number of said persons shown thereby was 3,524; and it appearing to the court that the defendant, the Cherokee Nation, did not participate in the preparation of said Wallace roll, but that ample opportunity was afforded it to do so: It is therefore adjudged and decreed that its refusal to do so is as effective as if it had actually taken part in the preparation of said Wallace roll, and it is concluded thereby. It is adjudged and decreed that said Wallace roll showing 3,524 of such persons, is approved by this court and taken by it as furnishing the true number of freedmen, to-wit: 3,524, as being the number of freedmen to be enrolled, together with the other citizens of the Cherokee Nation, to be taken as a basis in estimating the amount of money to be decreed to the said plaintiffs in this action."

of the defendant, the Cherokee Nation, but both nominations to be approved by him, to proceed to the Cherokee country and hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, claiming to be entitled to share in the distribution of said \$903,265, that may be offered by the respective parties to this suit; and that each of said parties shall be entitled to be represented before said commissioners, either at the taking of testimony in the Cherokee country or elsewhere; and that the said commissioners, in ascertaining the identity of the freedmen entitled to share under this decree, shall accept what is known as the authenticated Cherokee Roll, the same now being on file in the office of the Secretary of the Interior, having been furnished to him and purporting to have been taken by the Cherokee Nation in 1880, for the purpose of showing the number of freedmen then entitled to citizenship in the said nation under the terms of the treaty between the United States and the Cherokee Nation hereinbefore referred to, and their descendants; and that the said commissioners shall ascertain who of said persons

named on said roll were alive and what descendants of said persons were alive on May 3, 1894, and no evidence shall be accepted by said commission tending to disprove the citizenship of the persons whose names appear upon said roll." * * * * *

Fourth - The Secretary of the Interior on November 23, 1899, instructed the commission to take the roll of 1880 as a basis thereby confirming our contention in the following language:

"While taking the roll of 1880 as a basis you will be justified in examining other rolls for information to assist you in your work, but the rights of any persons to be enrolled must depend upon the fact that his name or that of his ancestor through whom he claims appears upon the authenticated roll of 1880."

This is our contention exactly. Other rolls of the Cherokee nation might be examined in order to assist the commission in arriving at the members of the person's family whose names appear upon the roll of 1880, and for the purpose of showing their residence at the time said rolls were made in the Cherokee nation and to otherwise assist in their identification, and our contention is that the jurisdiction of the commission is gotten from the fact

that the name of the applicant or his ancestor must appear upon the authenticated roll of 1880.

Fifth—The act of May 31, 1900, further supports our contention, which provides as follows:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Now it will be observed that there is no conflict between the act of May 31, 1900, and that of June 28, 1898, because the act of May 31, 1900, provides that the commission shall continue to exercise all the authority heretofore conferred on it by law, which means of course that the commission shall make a roll of Cherokee freedmen as provided in the act of June 28, 1898, or in strict compliance with the decree of the Court of Claims of date February 3, 1896. It will be observed also that the act of May 31, 1900, provides that the commission shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and no Cherokee freed-

man has been a recognized citizen of the Cherokee nation except those whose names appear upon the roll of 1880, or are descendants of such persons since born. If there is no conflict between the act of May 31, 1900, and the act of June 28, 1898, under neither act would the commission be permitted to receive the application of any person to be enrolled as a freedman citizen of the Cherokee nation whose name does not appear upon the authenticated roll of 1880 or are descendants of such.

It will be noted that the Wallace roll which the Court of Claims confirmed in the decree rendered May 8, 1895, was set aside by the decree of the Court of Claims of date February 3, 1896, and the Wallace roll was never a recognized roll of the Cherokee nation. The Kern-Clifton roll made in 1896 by the commissioners appointed by the decree of date February 3, 1896, was set aside by the act of Congress of date June 28, 1898 by the special recommendation of the commission to the five civilized tribes who were fully advised as to the fraudulency of said roll, hence the Kern-Clifton roll is not a recognized roll of the freedman citizens of the Cherokee nation and we are therefore forced to conclude that Congress had in mind on May 31, 1900, as it did on June 28, 1898, so far as Cherokee

freedmen were concerned, the authenticated roll of 1880, and it was never intended that the Wallace roll or the Kern-Clifton roll should be construed as rolls of the Cherokee nation. Fortunately for the Cherokee nation, the words, "Rolls of citizenship" are defined in the act of June 7, 1897, to constitute and mean "The last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the commission under the act of June 10, 1896." It will be noticed that the words, "recognized citizen" used in the act of May 31, 1900, has throughout the whole legislation by Congress been construed to mean "Recognized citizens of the Cherokee nation."

Doctrine of Res Adjudicata does not apply to citizenship right, they not being property rights.

Counsel for applicants contend that the decree of February 3, 1896, was a final decree, no appeal having been taken from it, and that commissioners having been appointed in accordance with the terms of the decree, and they having made a roll commonly known as the Kern-Clifton roll, that the matter

is *res adjudicata* and that the commission is compelled to take the Kern-Clifton roll without question and to enroll all living applicants whose names appear upon said roll together with their descendants. Numerous authorities are cited upon this question, all of which cite some case where there are property rights involved, in which cases it is conceded that a final adjudication can not be disturbed except on the ground of fraud.

As before argued the commission to the five civilized tribes was in the Cherokee nation in 1896 while the Kern-Clifton roll was being prepared and it is unnecessary here to go into details citing the numerous cases of fraud and perjury committed while said roll was being made but it will be noted that the commission was cognizant of the fact that freedmen in great numbers were enrolled which the testimony then showed were not entitled to be enrolled under the treaty of 1866 and a large number whose names appear upon the roll of 1880 were omitted therefrom, and the investigations of this commission fully justify the action of the commission in 1898 in the report to Congress that the Kern-Clifton roll was an unreliable, fraudulent and untrustworthy roll, and that the same should be disregarded and set aside, which we contend that

Congress did by providing that the commission should make a roll of Cherokee freedmen in "strict compliance with the decree of the Court of Claims of date February 3, 1896." By the use of the word "*strict*" it will be noted that Congress recognized that the provisions of this decree had heretofore been disregarded and it was desired to emphasize that fact.

It has been argued that the Cherokees understand this decree differently and that they paid out money upon the Kern-Clifton roll. In the first place it is denied that the Cherokee Nation construed the decree differently, and in the second place it makes no difference how the Cherokees construed it, but the subject of our inquiry now is how did Congress construe it on the 28th day of June 1898, when the Curtis bill was passed. The decree alone was before the committee that read and interpreted it, and Captain McKennon, who was then a member of the Commission and the author of this section, declares that it was construed to mean the taking of the roll of 1880, correcting it up to date by eliminating the dead, and those who had forfeited or abjured their citizenship, and the adding of the names of persons since born to those whose names appear upon the roll of 1880. Congress could not have intended

anything else because it refused to recognize or even mention the Kern-Clifton roll which was made subsequent to the decree of date February 3, 1896, and therefore went behind the Kern-Clifton roll and directed that a new roll be made. It is unnecessary therefore, to follow counsel for applicants in his argument of the question of *res adjudicata* further than to call attention to the fact that the Supreme Court of the United States in a carefully, well prepared opinion in the case of Stephens, et. al., vs the Cherokee nation decided that citizenship in the Cherokee nation is not such a property right as could not be disturbed. The court said: "And the mere expectation of a share in the public lands and moneys of these tribes, if hereafter distributed, if the applicants are admitted to citizenship, cannot be held to amount to such an absolute right to property that the original cause of action which is citizenship or not, is placed by the judgment of a lower court beyond the power of re-examination by a higher court though subsequently authorized by general law to exercise jurisdiction." The act of June 10, 1896, had conferred jurisdiction upon the commission to the five civilized tribes to hear applications for citizenship in the Cherokee nation, either side being given the right to appeal to the district court whose de-

cision was final. After these final decisions were rendered Congress passed an act on July 1, 1898, permitting an appeal to be taken to the Supreme Court of the United States and the Stevens case was one of the cases appealed under the provisions of that act. The Cherokee nation most earnestly contended that the decision of the district court was final, that the same was *res adjudicata*, that the case could not be reopened, much emphasis being laid upon this point by the attorneys for the Cherokee nation; but as the above quotation shows the court decided that an expectation of a share in the public lands and moneys of the Cherokee nation was not such a property right as could not be disturbed by an act of Congress granting an additional remedy. This is the only way in which a fraudulent roll could be attacked. If it is as argued by counsel for applicants that individual fraud must be shown in each separate case it would be an absolute impossibility. The commission and Congress are well aware that the persons who committed the fraud, who gave perjured testimony, who received pay for it are not going to come before the court or commission and acknowledge the same and that therefore the only way to do justice to all parties concerned was to set

aside the Kern-Clifton roll and to authorize the making of a new roll.

This same point was particularly emphasized in the case of Roff vs. Burney (168 U. S. 218) where the Supreme Court of the United States decided "The citizenship which the Chickasaw legislature could confer it could withdraw," and if the Chickasaw legislature could withdraw citizenship it certainly is not a property right, and certainly if the Chickasaw legislature could withdraw citizenship, the Congress of the United States can withdraw citizenship provided even in the first place it had not been fraudulently conferred. We are supported in our contention that a citizenship right is not a property right by the decision of the Secretary of the Interior in numerous cases wherein adopted citizens, after the death of their Cherokee wives, have intermarried with white women in violation of section 666 of the laws of the Cherokee nation and thereby forfeited their citizenship in the Cherokee nation. If a citizenship right had been a property right it could not have been forfeited under the constitution.

The fact that the decree of February 3, 1896, was a consent decree adds no weight whatever to the argument; that it was a decree of the Court of

Claims is admitted; it is also admitted that it was a final decree and that in so far as it dealt with property rights, for instance, the money judgment, \$903,365.00, it was final. But no final judgment even if it dealt with property rights could look into the future and protect the fraudulent making of a roll. It has been contended that the Cherokee nation recognized this roll by paying money out upon it but you will observe that the payment was authorized to be made by an act of the National council approved April 1, 1896, and before the commissioners appointed under the decree of February 3, 1896, had even begun the making of that roll and hence the National council could not anticipate at that time that such an incorrect and fraudulent roll would be made and it can not now be argued that the National council could anticipate in advance that such a fraudulent and erroneous roll could be made and it was not therefore a confirmation of it.

It is a well settled principle of law that fraud vitiates everything and we are arguing that Congress must have determined that the Kern-Clifton roll was a fraudulent roll as a reason for their directing the commission to disregard it and make a new roll in strict compliance with the decree of the Court of Claims of date February 3, 1896.

EFFECT OF FRAUD.

"It may be laid down as a general principle that what is done in *fraudum legis* can not be the basis of a suit in the courts of a country whose laws are attempted to be infringed."

1 Johns. 424; 21 Ia. 69; 93 Ind. 495; 86 Mo. 333; 111 Ill. 176; 102 N. Y. 287; 31 Ia. 260.

"It is a well settled principle of equity that fraud vitiates all transactions, even the most solemn contracts, and judgments are not beyond attack on this ground."

Herman on Estoppel; Id Res Adjudicata, sec. 391, p. 453; 11 H. How 437; 72 Ind. 374; 70 N. Y. 8; 59 Cal. 168.

Mr. Wells on Res Adjudicata, sec. 499 says:

"Fraud vitiates everything, a judgment equally with a contract."

The Supreme Court says, in 98 U. S. 61:

"There is no question of the general doctrine that fraud vitiates the most solemn contracts, documents and judgments."

"It is a well settled principle of equity that fraud vitiates all transactions, even the most solemn, and judgments are not beyond attack on this ground."

Herman on Estoppel, sec. 591.

CHARACTER OF EVIDENCE NECESSARY.

While most of the proof of fraud and bribery is

positive and direct, yet it may be, and usually is, proved by circumstantial evidence

"To establish fraud it is not necessary to prove it by direct and positive evidence. Circumstantial is not only sufficient, but in most cases it is the only proof that can be adduced."

17 Wall. (U. S.) 532; 63 Ala. 561; 2 Cal. 107; 58 Mo. 201.

The authorities take even a further step and say:

"If the evidence is sufficient to satisfy the mind and conscience of the existence of fraud, it will suffice, although it does not lead to a conviction of absolute certainty."

51 Ill. 327; 14 Ga. 207; 72 Penn. St. 257; 19 Mich. 57.

As above contended Congress adjudged that fraud had been committed in the making of the Kern-Clifton roll and ordered that the same be set aside and directed that a new roll be made by the commission. This, as we have argued and as has been decided by the Supreme Court of the United States, Congress had a right to do.

TREATY OF 1866.

Inasmuch, however, as the commission was instructed on May 14, 1866, to go behind the roll of

1880 and to make one in compliance with the 9th article of the treaty of 1866, let us examine this article and see what it provides which is as follows:

"They (the Cherokee nation) further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees: Provided, that owners of slaves emancipated in the Cherokee Nation shall never receive any compensation or pay for the slaves so emancipated."

It will be noted that there are two classes of colored persons referred to: one that were slaves and liberated by their owners or by law, and the other class were free colored persons who were residing in the Cherokee nation at the commencement of the rebellion. Both were required either to have a residence in the Cherokee nation at the time of the making of the treaty and they must return within six months after the signing of the treaty before any rights of citizenship would attach. In any event the Cherokee nation contends that the burden of proof is upon the applicant to show by competent evidence of honest, reliable, trustworthy witnesses that they were slaves of Cherokee citizens and freed

as such either by law or by voluntary act of their owners, or that they were free colored persons lawfully residing in the Cherokee nation at the commencement of the rebellion and that they returned within the time prescribed by the treaty. It is not enough to prove that they were once slaves of citizens of the Cherokee nation but they must prove that they were freed as such. As to free colored persons the testimony shows in the case of Wren Rankin, freedman doubtful number 176, that there were no free colored persons within the Cherokee nation and there could not be any inasmuch as the Cherokee national council in 1859 or 1860 passed an act which required all free colored persons within the limits of the Cherokee nation to either remove therefrom or to choose them a master, which was done; hence, there was no free colored persons in 1863, when the Cherokee National council passed the act liberating all Cherokee slaves, nor when they were liberated by the proclamation of the President of the United States, or by their owners; and in the event testimony is introduced tending to show that the applicant was a free colored person residing in the Cherokee nation at the commencement of the rebellion, the Cherokee nation contends that it is incumbent upon the applicant to prove that they were

resident free colored persons and that the treaty did not contemplate transient colored people passing through the country. In other words, such colored persons should have a fixed home and should at some former time have been a slave of a Cherokee citizen who either gave him his freedom or he had purchased it himself. Certainly it was not contemplated that the free colored persons who were at some time former slaves of Cherokee citizens should be granted rights of citizenship in the Cherokee nation because in that event there would have been no obligation on the part of the Cherokee nation to have provided for them. In either establishing that the applicant was freed, the slave of a Cherokee citizen or was a free colored person lawfully residing in the Cherokee nation, it is incumbent upon the applicant, by honest, reputable witnesses, worthy of belief, to prove that he was either a resident in the Cherokee nation at the time of the signing of the treaty or that he returned within six months after July 19, 1866. We contend that it is not sufficient for the applicant to introduce testimony that he was seen at some obscure point within the Cherokee nation but that the treaty contemplated that he must prove that he actually removed to the Cherokee nation and established a fixed residence within six months after July

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19, 1866. We contend that to come on a visit or to pass through the country without becoming a fixed resident is not a sufficient compliance with the treaty. We desire to emphasize this point because much of the testimony introduced in hundreds of cases is to the effect that some witnesses claim to have met the applicant in the road or on the prairie, miles away from any house or settlement and the applicant is not seen afterwards for years in the Cherokee nation. In order to prove a compliance with the treaty it is the duty of the applicant to show that he removed here in time; that he took up a home at some definite place where he lived and which he recognized as home, which he should not only show by fair preponderance of the testimony, but it should be clear and convincing to the commission, in view of the fact that so much is at stake and there are so many temptations for the commission of fraud and perjury, that they did bonafide return to the Cherokee nation and permanently settle therein within the time prescribed by the treaty.

RIGHTS OF MINORS AND INCOMPETENTS.

Prior to the war no slaves had any rights whatever in the Cherokee nation. They were property

of Cherokee citizens. They had no right to vote and they had no interest in the soil and they did not acquire any unless they were acquired as provided in the 9th article of the treaty of July 19, 1866, hence, on the day said treaty was signed, July 19, 1866, no freedman, it makes no difference what may be his age, had any rights in the Cherokee nation unless on the day the treaty was ratified he was a resident in the Cherokee nation, and he never acquired any unless he became a resident in the Cherokee nation within six months thereafter. We hear much about the rights of minors and incompetents. Can it be said that either of them had any rights before the signing of this treaty? If not, then they acquired none unless they complied with its provisions, and the Cherokee nation contends that this was as much incumbent upon a minor to comply with the treaty and to return to the Cherokee nation within six months after the signing thereof as it was a person of lawful age. No exception whatever is made in favor of minors or incompetents. Some argue that you cannot forfeit the rights of a minor. As applied to Cherokee citizenship this argument is erroneous, for two reasons:

First—A freedman minor had no rights unless he acquired them by compliance with the treaty, and

in the second place, as we have shown above, a citizenship right is not a property right as determined by the Supreme Court of the United States. If a minor did not return to the Cherokee nation before January 19, 1867, he did not qualify under the treaty of 1866, he did not acquire any rights to citizenship in the Cherokee nation and never became a citizen. The same is true of incompetents. We are supported in this contention by the opinion of Assistant Attorney General Vandevanter, rendered June 8th, 1901, where the question was submitted to him:

"Whether the state of unsound mind in the one case and of infancy in the other exempt these applicants from the limitations upon the time within which applicants for citizenship by persons not on the tribal rolls were required to be made by the act of June 10th, 1896. If so my answer is in the negative. There is nothing in the legislation of congress upon which such an exemption can be predicated, and the acts of June 10, 1896, June 19, 1897, (30 Stats. 62, 84) June 28th, 1898, (30 Stats. 496, 502) and May 31st, 1900, clearly indicate that no such exemption was intended."

These were cases of where people of unsound mind and minors did not apply to the commission under the act of June 10, 1896, within the time prescribed by that act and the assistant attorney general was asked whether or not these classes of cases were exempt from the limitations upon the time pre-

scribed by that act. And he decided that they were not exempt. Ours is a parallel case, there is nothing whatever to indicate that a minor or a person of unsound mind was to be exempt from the limitation upon the time within which freedmen were required to return to the Cherokee nation after July 19, 1866. They never had any rights in a foreign state and they never had any to forfeit unless they complied with the treaty provisions and acquired them and if one was a minor or person of unsound mind and did not comply with the provisions of the treaty no exemption ran in his favor, just as the assistant attorney general says, no exemption runs in favor of either of these classes under the several acts of congress herein above quoted.

ABJURATION AND FORFEITURE OF CITIZENSHIP.

With reference to forfeiture or abjuration of citizenship the decree of the Court of Claims of February 3rd, 1896, contains the following:

"It being understood that the freedmen and their descendants and free colored persons above referred to shall include only such persons of said class as have not forfeited or abjured their citizenship of said nation at the date of the entering of this decree."

It is contended most strenuously by counsel for

applicants that in case any freedman, qualified under the treaty and dropped down in the Cherokee nation like a mosquito, that it was impossible for him to forfeit or abjured his citizenship in the Cherokee nation without taking out naturalization papers and in that way becoming a citizen of the United States. And the case of John Elk vs. Charles Wilkins decided by the Supreme Court of the United States (112 U. S. 94-123.) is relied upon to sustain counsel in his contention. This case is most thoroughly and learnedly discussed by Judge William M. Springer in his general citizenship opinion, rendered after most mature consideration and thorough investigation. In this opinion Judge Springer said:

"The decision of the supreme court in the case of Elk vs. Wilkins, supra, was handed down November 3, 1884. A little over two years thereafter congress passed an act February 8, 1887, (24 Stats. L., 388), with the evident purpose to define the status of Indians situated as was Elk, the plaintiff in the case."

"This act declares an Indian who has taken up his residence in the United States, separate and apart from his tribe, and who has adopted the habits of civilized life, to be a citizen of the United States and entitled to all the rights, privileges and immunities of other citizens thereof, and that such citizenship is conferred without in any manner impairing or otherwise affecting the right of such citizen to tribal or other property." This act of congress is

important in determining the status of Cherokee Indians who have taken up a residence in the States separate and apart from the tribe and have adopted the habits of civilized life. Such Indians were declared February 8th, 1887, to be citizens of the United States. And those Indians who have never been recognized as members of the Cherokee nation as it is now constituted, have never had any right to tribal property in said nation, and hence they have no rights in the nation which could in any manner be impaired or otherwise affected by being declared citizens of the United States. If such Indians have any tribal rights to be impaired, they were rights in the old Cherokee Tribe in North Carolina or in the Eastern band of the Cherokee Indians now located as a separate tribe in North Carolina. If there are any Cherokees who have ever been recognized as citizens of the Cherokee nation as now constituted who have separated themselves from the nation and taken up their residence in the States and have removed their effects out of the nation, they would, by the act of congress of February 8, 1887, be citizens of the United States, and by the constitution and laws of the Cherokee nation they would have forfeited their rights as citizens of the nation. The Cherokee constitution and laws were not abrogated or repealed by the act of congress of February 8th, 1887, for the reason that the United States has conceded to the Cherokee nation the right to determine who shall be citizens thereof."

The act of February 8, 1887, as above referred to, is as follows:

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The act of February 8, 1887, as above referred to, is as follows:

"Every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence separate and apart from any tribe of Indians therein and has adopted the habits of civilized life is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not by birth or otherwise a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the right of any such Indian, tribal or other property."

Assistant Attorney General Little in his opinion September 10, 1896 fell into the same error as does the counsel for the freedmen applicants inasmuch as he held that the above act was in conflict with the constitution of the Cherokee nation, inasmuch as the loss of his citizenship occasioned the forfeiture of whatever rights he had to the distribution of tribal property. In other words, Mr Little was of the opinion that a citizenship right was a property right, but inasmuch as since that time the supreme court of the United States in the Stephens case and in the Roff case has decided otherwise, it would seem that the decision of the assistant attorney general in the light of this decision is entirely erroneous.

The Cherokee nation has always interpreted that clause of their constitution which reads, "When-

ever any citizen shall remove with his effects out of the limits of this nation, and becomes a citizen of any other government all his rights and privileges as a citizen of this nation shall cease," as did Judge Springer above.

Whenever any citizen separated himself from the Cherokee nation, removed his personal effects from within the limits thereof and took up his residence among the citizens of the United States and adopted their ways and customs, it has always been construed by the Cherokee authorities that he severed his relations with the tribe and that he lost his Cherokee citizenship.

These is a potent reason why this interpretation should have been placed upon this clause of the Cherokee constitution by the Cherokee authorities themselves: it was that the patent issued to the Cherokee nation for the present home of the Cherokees contained a condition providing:

"That the lands hereby granted shall revert to the United States if the Cherokee nation becomes extinct or abandons the same." (See patent page 424 compiled laws of the Cherokee nation, 1892.)

Suppose as argued by counsel every citizen of the Cherokee nation after removing within the limits of the Cherokee nation a short time subsequent to 1866 had removed to the adjoining states,

taken up their residence and disconnected themselves from the Cherokee nation, there would have been no Cherokee nation under the conditions of the patent. This patent was issued on December 31, 1838, and the Cherokee constitution was adopted the following year and the above clause was inserted in order that the condition contained in the patent should not be realized, and that the land should not revert to the United States. For this reason the Cherokee nation was compelled to insist always upon residence in the Cherokee nation in order to retain citizenship.

Again, if Attorney General Little's opinion is sound, that clause of the Curtis bill is unconstitutional which provides.

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It will be observed that in both the Cherokee laws and constitution, and the act of Congress, that residence in the Cherokee nation is a necessary requisite to be enrolled as a citizen of the Cherokee nation, and in this connection we contend, as was decided by Ass't-Attorney General Vandevanter, that residence in the Cherokee nation is as necessary for a minor and person of unsound mind as for an adult. It is argued further by counsel that the Cherokee

nation in all cases did not place this construction upon their own constitution and one or two isolated cases are cited where parties returned to the Cherokee nation after a protracted absence, were recognized citizens and were recognized as citizens without having been first readmitted. Perhaps this was true in a few cases where the parties were absent prior to the war and returned to the Cherokee nation immediately after the war, where they were known to be Cherokees by blood, and they succeeded in getting enrolled and those rolls confirmed, but one or two individual cases does not prove a general rule. Doubtless many persons guilty of larceny escape punishment at the hands of the court but it is no argument that because a few men escape that the penalty for larceny should be removed.

THE AUTHENTICATED ROLL OF 1880.

There is a genuine affection of all persons and their descendants for their former slaves and no one can possibly appreciate the tender feeling which the slave holders entertained for their slaves unless, perchance, they have had occasion to witness their first meeting upon their return to the Cherokee nation after the war. There is no question but that much leniency was shown them and we are fully

convinced that if there had been an additional clause inserted in the ninth article of the treaty of 1866 requiring all freedmen to register upon their return to the Cherokee nation that there would not have been five hundred freedmen citizens of the Cherokee nation today. As it was every Cherokee exerted himself to assist his old slaves and the result is that hundreds of them were admitted and enrolled who did not qualify under the treaty. But counsel for applicants brutally contends that the people are prejudiced against their old slaves; that they are unwilling to testify for them and that there have been very few cases in which Cherokees have testified for freedmen applicants. We cannot afford to permit this slander to go unrefuted. As early as 1870 the supreme court of the Cherokee nation was authorized to sit as a commission and given authority to hear applicants for citizenship in the Cherokee nation and among others a great number of freedmen applied and were admitted by the Daniels court. The records show that numbers of Cherokee witnesses appeared in behalf of these colored persons at that time and gave their testimony and the records show that numbers of them were admitted by the Daniels court. Another court was established in 1874 to 1878 presided over by John Chambers and

known as the Chambers court. Both the Daniels court and the Chambers court were presided over by as pure and good men as the Cherokee nation afforded and their reputations for honesty and integrity have never been questioned. The Chambers court, as did the Daniels court, admitted hundreds of freedmen to citizenship in the Cherokee nation and the records show that the admissions were upon testimony quite largely of Cherokee citizens by blood. These investigations were had only a few years after the war when the matter of the return of the freedmen applicants could be positively proven, when nearly all of the older members of the families who owned the different slaves were alive and who of course made inquiry and knew of the return of their former slaves just as they did of members of their own family and their own wards. These people at that time come forth voluntarily and testified in their behalf and the records of these courts refute the accusation that our people desire to do any freedmen an injustice.

Again, the 1880 roll contains the names of 2052 freedmen. This roll was made by the Cherokee Nation alone, and those freedmen names were taken largely from the admission of the Daniels and Chambers courts and if the Cherokee people were so nar-

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row, partizan and prejudiced, as counsel for applicants would have you believe, why did they permit 2052 names to be placed on authenticated roll of 1880? The question of citizenship at that time was exclusively in their own hands and no effort was made for years subsequent to that time to take the question of citizenship away from the authorities of the Cherokee Nation, and the Cherokee Nation could have as easily determined that there were only one-fourth or one-half as many freedmen entitled as they did and no authority at that time would have had any right to have questioned it. Again, let us call your attention to the fact that no discrimination whatever had been made against the freedmen citizens up to 1880. A payment was made in 1875 and they participated; a payment was made in the fall of 1880 and they participated. Therefore, there was no discrimination against these people while the Daniels court was in session; while the Chambers court was in session; or while the roll of 1880 was being made and the records show that the first discrimination against freedmen citizens was made in 1883, when some money derived from the grazing lands west of 96 degrees was disbursed per capita among the Cherokees by blood. We sincerely regret that counsel deemed it necessary to raise this

kind of an argument. We deplore the fact that he attempted to appeal to the prejudices of the commission. Our people having willingly and voluntarily testified in all cases heretofore where their former slaves returned and qualified under the treaty, having done all that they could consistently do for them they are abused and called prejudiced now because they are unwilling to come in and commit perjury in behalf of their old slaves who unfortunately did not return in time. They had exhausted the truth prior to 1880 and it is certainly unjust and unfair to them to accuse them publicly before the commission. Again, sympathy is sought to be aroused in their behalf because they are poor people. This is also to be very much regretted. The commission has gone to great expense to travel all over the Cherokee nation and made dates most convenient to these people; they have gone to their very doors, as it were; they have advertised their meetings long in advance and it was little or no expense to those rightfully entitled to appear and present their claims; while those not so entitled should be beaten at any cost. Reference is also made to the suit instituted before the courts. The Cherokee Nation earnestly believes that the decree of the court of claims of February 3, 1896, confines the com-

mission to the authenticated roll of 1880, and the freedmen suit was instituted before the court for the purpose, if possible, of getting a judicial determination as to the meaning of the decree. It does not cost the freedmen a single dollar. Able counsel is provided for them by order of the Attorney General of the United States and at the expense of the United States. In arguing these cases it was to be hoped that the legal questions involved alone would be presented and that there would be no petty pandering to the prejudices of any one, nor any attempt sought to be made to arouse the passions of anyone. It is true that some years ago the Cherokees did not believe that their former slaves were entitled to the same rights in the Cherokee Nation as they enjoyed. They did not think that the 9th article of the treaty of 1866 conferred anything other than political rights upon them and when they came to making the payments in 1883 and 1886 they paid the money out to Cherokees by blood, which was no particular discrimination against freedmen citizens because of their color or race, but these same acts of the national council also discriminated against the Delawares, Shawnee and white adopted citizens of the Cherokee Nation shows that it was a difference of construction of the treaty and the

Cherokee constitution. There has never been any ill feeling against the enrollment of any of this class who were shown to be rightfully entitled. In 1896 the Cherokee Nation resisted the enrollment of fifty thousand applicants where only about two hundred and fifty were admitted, yet it cannot be justly said that the commission or court upon appeal was prejudiced against these people, when only a very small per cent were found entitled to be admitted.

EVIDENCE IN PRESENT INVESTIGATION.

In addition to believing that the Cherokee Nation alone had the right to determine who were its own citizens, the Cherokee Nation has heretofore resisted the right of the government of the United States to investigate citizenship questions for the reason that the officers in charge were strangers to our people and the topography of the country. The honesty and integrity of the present representatives of the government is not questioned by the Cherokee people, but their fear is, that not knowing the reputation of the herd of "standing witnesses" that it will be difficult for the commission to determine who is worthy of belief. Again, an intimate knowledge of the topography of the country would be of great assistance to those engaged in this investiga-

tion. For example, before a Cherokee court no testimony would be necessary to rebut such testimony given by Calvin Goins in Freedmen R. 179, that large steam boats ran up Lee's creek, a small mountain spring branch, in Sequoyah district, carrying race horses before the war, to a plantation, to a brick house, stable and fine brick hotel in a mountainous and sparsely settled country; no evidence would be necessary to discredit the testimony of James (Sheep) Alberty in the Walker Johnson case, F. D. No. 356, when he testified that he saw him in 1866 crossing at the ferry across the Arkansas river on his way to Muskogee to get some tobacco, when it is known that the town was not started at that time; no evidence would be necessary to impeach the statement made by Lucy Walker in the application of herself, F. D. 820, when she said she lived near Fort Gibson, I. T., for a long time and did not know of any streams near there; no evidence would be necessary in the John Porter case, F. D. 36, when he did not remember the kind of a house his master lived in, whether they had a spring or well, where the field was, and the number of his master's family; no evidence would be necessary in the George W. Vann case, F. D. No. 115, where he shows a complete ignorance of the surroundings of his master, and can-

not find a single citizen or reputable witness, white or colored, who will testify to his former ownership. Numerous examples might be multiplied,—some swear that the house of their master before the war was in a prairie country, which is known to be mountainous, and vice versa.

MEMBERS OF COMMISSION NOT PRESENT.

It is a great misfortune that all of the members of the commission could not be present when all the testimony was given on both sides, 'so as to have been able to judge of the credibility of the witnesses from their demeanor on the stand, their willingness or unwillingness to testify, and to have observed their actions generally around the enrolling camps. It must be remembered that there is a great temptation to the applicants to commit perjury and to procure perjured testimony by chicanery and bribery. That it was resorted to so flagrantly, and boldly and openly by applicants everyone who was near the camps for a moment admits, and so frequently was perjury practiced that it became a matter of course, and nothing else was expected when two or three of the "standing witnesses" were called and sworn. Well might the Cherokee people throw up their

hands in horror if this kind of testimony is to be considered. If this kind of practice had taken place before pension examiners or where valuable property of the United States was involved, all of the "standing witnesses" who are bound together by the ties of the Freedman Protective Association and of public and private plunder, would be in the penitentiary. The records show that thirty of these colored professional witnesses testified in eight hundred and ninety-seven cases. In other words, if you subtract from the whole number of cases those on no roll and those who applied by intermarriage, these thirty witnesses testified in ninety-five per cent of the remaining cases. Wonderful memories, indeed! Most lucrative business!

The freedmen organized themselves into a secret association where their members are sworn in, and it is generally and commonly known that it is for the purpose of swearing for each other, and not to testify against a colored applicant. The lives of any are threatened who violate the secret oath taken, and the good people are terrorized by threats of members of the association to burn their houses and barns if they appear and testify against them. It is also a matter of common knowledge that testifying became a matter of business with a great

many of these disreputable "standing witnesses." Is it any wonder then that the Cherokee people are aroused as they were never before? We say the court of claims said this when on May 8, 1895, it made the Wallace roll the basis, and it intended on February 3, 1896, to substitute the authenticated roll of 1880 in its place. Witnesses subpoenaed by the Cherokee Nation, particularly colored witnesses, were intimidated, and were met by committees of this secret association and warned not to testify. They even sent agents to Kansas and elsewhere following the representative of the Cherokee nation to prevent and dissuade witnesses from coming to the Cherokee nation and testifying. These colored witnesses don't any longer seem to regard it any legal or moral crime to testify falsely, but they are taught and advised among themselves "that it is their duty to help each other to get on the roll." A supplemental statement is being prepared showing how many cases a large number of "standing and professional witnesses" testified in, and a few of the cases are taken up and reviewed for the purpose of showing how untrustworthy they are, and how directly they were contradicted by reputable testimony. If they would wilfully commit perjury in the cases cited we contend they are unworthy of belief in other

cases. Practically none of the applicants produce reputable witnesses to testify. It is true colored persons on the 1880 roll are used as witnesses for them, but their racial pride was appealed to, and they were induced to join the Freedman's Protective Association, many of them who had relatives who came too late, or children who intermarried among those who were not recognized, and thus they were led on step by step until they soon became the most enthusiastic "professional witnesses," because they were regarded as the best, inasmuch as their names were upon the authenticated roll of 1880. None of these ignorant people know anything about dates; they don't know when the Wallace roll was made, when they drew money, when the Kern Clifton roll was made, or when the payment five years ago was made upon it; they don't know when they married or when any of their children were born. Still, they swear in numerous cases that they met comparative strangers on the highways in 1866 and positively remember it. They have witnesses to remember meeting applicants in the road thirty-six years ago, with nothing to impress it upon their minds, and they know the date and no other. Would any jury, appealing to their own experience as a guide, believe such witnesses? Certainly not. Hence the Chero-

kee Nation insists that the commission should use great care in the examination of these cases, and no one should be admitted who does not by positive and convincing testimony prove they are qualified under the treaty, and *permanently* settled in the Cherokee Nation within the time prescribed, and did not "wander in and out and around and about," as many of them vaguely state, so as to give no chance to secure rebutting proof. In the vast majority of these cases the witnesses swear they saw them in 1866 (that they are taught they must do), and then they are not seen for years. We contend that this makes no case. If an applicant *bona fide* complied with the treaty and located here, it is easy to prove; there is no one to dispute honest, straightforward testimony, but you will notice that there was the greatest difficulty in getting them to locate themselves at any definite particular place. A great many insisted "I was in the Cherokee Nation, around and about, and in and out." Numbers of these people who swore they were in the Cherokee Nation on Big and Snow creeks, and other negro settlements, were afterwards found living in Kansas, where they had always lived and had never been missed except on visits. Yet so strong is the Freedmen's Protective Association that the Cherokee Nation can't get wit-

nesses from among the colored persons to show the non-residence of applicants. Many of them whisper to us on the side and tell us they were not living there but pray not "to be given away," as they don't want their houses burned or otherwise get harmed. The result is that most of the witnesses introduced by the Cherokee Nation were from Kansas, where most of the Cherokee slaves went during the late war. Now, it cannot be argued that these witnesses entertain any ill feeling against claimants. They are not Cherokee citizens, and most of them were Union soldiers. These witnesses were subpoenaed by the Cherokee Nation and it was a great sacrifice for them to leave their different avocations and come a great distance, and among the witnesses brought were merchants, farmers, lawyers, doctors, judges, sheriffs or ex-ex-sheriffs, and laborers of all kinds,—many of them able and learned men, some of whom had held many positions of responsibility and trust. There could not possibly have been any motive on their part to swear falsely against these colored applicants. There were many others who could not be induced to leave their homes and business to come; some were sick, others were too old and infirm to attempt the trip, and the only wonder is, with agents of the colored people scouring Kansas trying to in-

timidate them and telling them their expenses would not be paid and that their attendance could not be forced, that we secured as many as we did.

In addition to introducing large numbers of disinterested persons, who were non-citizens, who definitely fixed the dates when they last saw these applicants by book accounts, trials in courts, land purchases as shown by dates in deeds, births and deaths recorded in Bibles and family records, and many other things of a like character, the Cherokee Nation introduced as many of their own prominent, reputable and responsible citizens as they could find who were in a position to know the time of the return of the respective applicants. There was and could be no motive in the representatives of the Cherokee Nation seeking or introducing perjured testimony. No personal gain would come to them, their duty was to *assist* the commission in making the roll, and to hunt up and present all the reliable testimony obtainable as to the time of the return of these people. It was not their duty to attempt to keep those applicants off the roll entitled under the law to be so enrolled, and no public or private advantage would accrue to them.

DANIELS AND CHAMBERS JUDGMENT.

The Cherokee Nation introduced a great many judgments in these cases which should have controlling weight with the commission. The supreme court, of which R. B. Daniels was chief justice, was authorized by an act of 1870 to sit as a court of commission in 1871. Hundreds of these colored people applied to this court or commission. That was only about four years after the expiration of the six months limitation provided in the treaty of 1866 for the return of these people. Their former masters, who entertained a sincere affection for them, were alive to help them, and did readily, willingly, freely and without compensation. The members of the court were men of the highest standing and wide experience. Then it was easy to get the testimony; the exact day, if not the hour, could be proved or disproved. A great number were admitted, and the record and traditional history of the court shows that it was fair and impartial, and no injustice was done anyone. Subsequently, in 1874, the Chambers court was created, of which John Chambers was chairman, and this court held sessions until 1878. Many colored persons applied to this court or commission, and a great number admitted. This refutes the argument that these courts were prejudiced, be-

cause all of them could have been rejected. True, many of these judgments were not lengthy, and particularly in the former court the testimony was not preserved, still the judgments express concisely the conclusion arrived at by the court. The law provided, and the records show, that great numbers of these people were summoned before these courts and ordered to produce testimony tending to prove their rights when the time of their return could have easily been established. Now thirty-six years have elapsed from the making of the treaty, and these claimants rely on the fact that the great majority of our older people are dead, and argue "if we swear that we came back to some remote negro settlement in 1866 you can't disprove it." But these Cherokee judgments were sufficient to put them on the 1880 roll; they availed themselves of them then, and the United States courts have held in numerous cases that the judgments of the Cherokee courts are entitled to the same respect and credit as were judgments of the states.

"The proceedings and judgments of the courts of the Cherokee Nation in cases within their jurisdiction are on the same footing with those of the courts of the territories of the Union, and entitled to the same faith and credit."

Mehlin vs. Ice, 56 Fed. Rep., 12.

Stanley vs. Roberts, 59 Fed. Rep., 836.

In Re Mayfield, 141, U. S., 107.

Barbee vs. Shannon, 40 S. W., 584.

Exendine vs. Pore, 56 Fed. Rep. 777.

There is no contention but that the Cherokee courts had jurisdiction over the person and subject matter. They admitted a great number, and in 1880, when there were two thousand and fifty-two enrolled as recognized citizens. Does this indicate prejudice on the part of the Cherokee Nation as a nation, or the Cherokee people as individuals? The truth is that from 1866 to 1880 men who had rendered conspicuous service in the Union army were at the head of the Cherokee government, and the men who made the treaty of 1866 and inserted the generous 9th article were in high authority. Would this indicate prejudice? Because all the honest assistance possible had been heretofore rendered these colored persons, and because the Cherokee people refuse to commit perjury, counsel would have the commission believe that they are prejudiced. They might as well argue that the commission in 1896 was prejudiced because only about two hundred and fifty were admitted out of fifty thousand Cherokee applicants. And let us call your attention to

the fact that the Cherokee Nation resisted those fraudulent Cherokee claimants as strenuously then as it does these fraudulent colored claimants today. Counsel for claimants would have you believe that we were prejudiced then.

PERMITS AND MARRIAGE LICENSES.

In a number of freedmen cases labor permits and hay permits, and marriage licenses were introduced that were issued by the district clerks or their deputies, and they are relied upon as being evidence of recognition of citizenship. Attached to this brief is a decision of the supreme court of the Cherokee Nation as early as 1871, deciding that the intermarriage of one colored person with a colored citizen of the Cherokee Nation did not confer citizenship on him, and this decision has never been reversed, and not one has ever been enrolled by intermarriage. As to the issuance of labor and other permits, the several clerks in large districts like Coowescoowee, being fully one-third of the area of the Cherokee Nation, had no way of knowing who were and who were not citizens. He had no copy of any of our rolls,—the 1880 roll was never printed until 1896,—and all of the rolls being at the seat of the Cherokee government at Tahlequah, he had no access to them so that when any person applied for a permit, and

stated that he was a citizen and paid the legal fee, the same was issued without further question or investigation. This was no recognition of his citizenship. The clerk or his deputy had no way to determine or investigate it. He had no roll, and in the great number of cases it is fair to presume that he did not know the applicant personally. The clerk or his deputy was no citizenship court, and there being eight thousand or ten thousand citizens in Cooweescoowee district alone could he, without a roll, investigate each person's citizenship? Certainly not. If the applicant falsely represented that he was a citizen it did not make him a citizen. It was the custom of the clerk to have deputies located at convenient points over the district, none of whom had the rolls of citizenship records. Hence we contend the permits issued based on the false representation of these applicants amount to nothing. The 1880 roll was never printed until after the passage of the act of congress of June 10, 1896.

FREEDMAN APPLICANTS IN COOWEES- COOWEE DISTRICT.

There are a large number of applicants testified for by Samuel Webber, who swears that they moved to the Cherokee Nation when he did, and they ar-

gue that inasmuch as the name of Samuel Webber appears upon the 1880 roll that therefore the applicants for whom he testified are necessarily entitled to be enrolled; and it is necessary therefore for us to investigate when the "Webber detachment" moved to the Cherokee Nation with their families. The Cherokee Nation contends that a few of the colored men came to Big creek, Cooweescoowee district, Cherokee Nation, in the fall of 1866, to perhaps look out locations, some of them started foundations for their houses, others partly built them, when they returned to their homes in Kansas, and that not a single colored person wintered north of where now is the Frisco railroad and west of where now is the Missouri, Kansas & Texas railroad, which embraces nearly the whole of Cooweescoowee district, and all of Big creek, Snow creek, Lightning creek, Salt creek and the Verdigris river. We confidently assert that the testimony on file in the following freedmen cases conclusively proves our contentions: Aaron Webber, F. D. 216; Joseph Ross, F. D. 350; Elizabeth Meigs, F. D. 391, and Edward Wright, F. D. 818, and for the purpose of showing the time when the Webbers, Sanders and Whitmires returned, or removed with their families, which was in the early spring of 1867, and for the purpose of

showing that no colored people wintered in that vast section of country in 1866, where now about a thousand claimants testified they returned and wintered, we introduced the testimony in the above cases in a great many other cases. It is of the utmost importance to ascertain definitely when the Webbers, Sanders and Whitmires returned. The Webbers and Sanders claimed to have returned together, the Whitmires about the same time, but a little in advance. The first two, Webbers and Sanders, settled on Big creek, and were the first settlers, and the Whitmires came a little lower down on Lightning creek. Inasmuch as they all came at the same time, but in different camps, we will consider the testimony together.

Let us first examine the testimony in F. D. 216, Aaron Webber, and F. D. 350, Joe Ross, the witnesses being the same. In this case Aaron Webber himself states that he came to the Cherokee Nation in March or April after the treaty of 1866; he says that is the time that he moved with his father's family, or in other words, that is when the "Webber detachment" came. He claims some of the men folks had come down a short time before, remained there a few days, and returned to Kansas and came back in March after the treaty, or in 1867. They came

from near Mound City, Kansas. Let's see how much Aaron Webber is corroborated by the testimony introduced by the Cherokee Nation in his case and that of Joe Ross, F. D. 350. To show that the Webbers did not remove their families to the Cherokee Nation until the last of February or the first of March, 1867, the following witnesses in these two cases were examined:

Douglas Walker, H. C. Short, Mary A. Hicks, Jane Spears, James Walker, and Miami Walker. All of them came from the vicinity of Mound City, Kansas, are not citizens of the Cherokee Nation, and are not interested. James Walker, the head of the family, Miami Walker, his wife, and Douglas Walker, his son, all testify that James Walker bought a place of Ann Flemming, and the transfer was made on September 24th, 1866, and that Sam Webber and his family were living on the place then; that their time was not out until March 1st, 1867; that they remained there until their time was about out, and their best judgment is that they left there the last of February or first of March following the purchase of that farm. They further say young Sam Webber married there, and Sam swears in F. D. 872 that he married in January, 1867. H. C. Short testified that they lived on the Flemming farm adjoining his, and

that to the best of his knowledge they left there the last of February, 1867. Mrs. Mary A. Hicks and her daughter, Jane Spears, testified they knew Sam Webber, and family. The family record shows that Franklin Hicks died October 23rd, 1866, and these witnesses swear positively that the Webber family was then living within a hundred and seventy-five yards of them, used water out of their well, and assisted them during the sickness of this child, and that they left there the last of the following February or the first of March, 1867.

In the Elizabeth Meigs case, F. D. 391, your attention is first invited to the statements on behalf of the applicant of Daniel and Reuben Sanders, brothers, the latter being a son-in-law of the applicant. They establish the fact that the Webbers, Sanders, and Whitmires all returned to the Cherokee Nation, and they aver that they moved their families down here a little after Christmas in January or February, of 1867. Reuben Sanders feared that he had placed the time a little too late in February, 1867, and again took the stand on May 22nd, 1901, to make supplemental statement. He then was positive that it was a little after Christmas and that it was in January and not February, 1867, and unwittingly gave as a reason for believing it was in January, that a man by

the name of Hayford was killed by a Cherokee darkey, Eli Mackay, and that parties in search of Mackay followed them thinking he was among them trying to make his escape to the Territory. It becomes of the greatest importance to know when this search was made for Eli Mackey. The killing took place at Fort Scott, Kansas. The Cherokee Nation subpoenaed Mrs. Lydia Barton, the present county clerk, with the records of her office, H. C. Jones, who was chief of police of Fort Scott, Kansas, when Eli Mackey killed Dyer Hayford, and Benjamin Files, who assisted in the arrest of Eli Mackey. Mrs. Lydia Barton testified she was county clerk of the county in which Fort Scott is located; that the county has an official paper; that the county clerk is required to keep files of the official county paper in the clerk's office; that the Fort Scott *Monitor* was the county paper from December, 1866, to and including March, 1867, and produced files of the paper covering these dates. The issue of Dec. 26th, 1866, introduced contained a full account of the killing of Dyer Hayford by Eli Mackey, which was on December 22nd, 1866, on Saturday about dark; the account states that he was shot four times; that "suspicion was at once directed to Mackey and he was arrested," and lodged in jail; that a coroner's inquest was held the

following day, Sunday, when a number of witnesses were examined, (including Stephen Looney, F. D. card No. 516, who swears in his own case he was in the Cherokee Nation, and Alonzo Cullen, whose wife and children are on F. D. card No. 353.) The next extract from the paper introduced was of date February 27th, 1867, and gives the following account of Mackey's escape:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the district court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars has been offered for his apprehension."

The next extract introduced was from the issue of March 27th, 1867, and it gives a detailed account of the search for and the tragical capture of Mackey on March 20th, 1867, and of the killing of Ed. Coe, the turnkey of the jail, and of Mackey's being hung, H. C. Jones, city marshal, and Benjamin Files, who aided in Mackey's first arrest, assisted in the search for him after he made his escape, and were among those who captured him, make the same statement as recorded by the official newspaper. The newspaper and these two witnesses testify that within a short time, at once, within thirty minutes at the out-

side, after Hayford was shot Eli Mackey was arrested by Jones and Files and at once lodged in jail; that Mackey was arrested before anyone scarcely knew it; that the excitement was after his arrest, and that no search was made for him before his arrest, for there was not time. They all further state that he made his escape on February 26th, 1867, when a reward was offered for him, when the country was scoured with official and private parties looking everywhere for him, and that this search was kept up until March 20th, 1867, when his tragical end came among another chapter of horrors. All of the testimony is that he was known as a Cherokee Negro, and was of course expected to try to make his escape to the Territory in some wagon.

The Cherokee Nation contends that this testimony conclusively shows that the Sanders, Webbers and Whitmires all left Kansas after February 26th, 1867, and fully corroborates the witnesses hereinabove referred to introduced in the Aaron Webber case F. D. 216 to the effect that they left Kansas the last of February or the first of March, 1867. Why? Reuben Sanders states their wagons were searched for Eli Mackey, and the testimony is positive and conclusive that Mackey was captured and lodged in jail within thirty minutes after the shooting of Hay-

ford; that no search was made for him at that time; that he escaped jail February 26th, 1867, when a reward was offered, and the whole country scoured. Unquestionably it was between February 26th, 1867, and March 20th, 1867, the date of his capture, that wagons were searched, and it was between these dates that Sanders' wagon was looked into, of which he testified. Sanders at first said it was in February, and later changed it back to January, 1867, but always kept it after Christmas of 1866. In the light of this testimony, can any unprejudiced persons longer doubt that these people first moved to the Cherokee Nation the last of February or the first of March, 1867? Counsel for applicants object to the introduction of the official newspaper, when the testimony shows that it is required to be kept on file, and brought here by the official custodian. It is as much a part of the record of the clerk's office as any other document on file. Besides, H. C. Jones and Benjamin Files testified to everything contained in the paper.

But let us see what these same parties themselves said soon after the war, in 1878, when they applied to the "Chambers commission" to be admitted to citizenship. Lewis Whitmire, Aaron Whitmire and Moses Whitmire applied to this commis-

sion, and they all claim to have returned together and along with the Webbers and Sanders. Fortunately this record was preserved to us and we have introduced it in F. D. No. 18, being the case of Edward Wright. The written application filed by them then shows that they, a few of them, came down to the Cherokee Nation to look out homes in the fall of 1866, leaving their families in Kansas, and that they moved with their families and effects in the spring of 1867. They not only state this in their applications, but swear it under oath, and introduce numerous witnesses to prove it, and those they introduced in their own behalf were all Cherokee citizens, which shows that our people were not so prejudiced as represented. All of the testimony shows that the Webbers, Sanders and Whitmires were the first to settle in the vast tract of country north of the Frisco and east of the M., K. & T. railroads. With all of this positive and convincing proof from disinterested witnesses from Kansas, and the admissions and proof of the parties themselves, can anyone longer doubt that no negroes wintered on Big creek, Snow creek, Lightning creek, Salt creek, or the Verdigris river in 1866?

On the other hand is it not conclusive that they first moved there the last of February or the first of

March, 1867? If these people did not come and locate themselves they could not have truthfully testified to seeing so many persons come to their houses or homes in the fall of 1866. They had none.

For the purpose of contradicting and discrediting them the testimony in the above three cases is introduced in a great number of other cases. And only a few came in the spring of 1867 to that section of country, not to exceed twenty families, but the great mass of them came two or three and some ten years later, and many not until they were advised that Mr. Wallace was making a roll preparatory to making them a payment.

Counsel for applicants tries to make much out of the testimony of Mary Hicks, who testified for the Cherokee Nation in F. D. 216, wherein she swore that her son, Franklin Hicks, died on October 23rd, 1866, and that the date of the death was in her bible. The bible was printed in 1869, but she did not say that the death was put down at that very time, but insisted that it was recorded later, and her daughter, Jane Spears, explained it was first recorded in another book and transferred to that bible.

CONCLUSION.

The commission is charged with the grave re-

sponsibility of making this roll. We have been directed by the Cherokee Nation to render all the assistance we could to the end that justice may be done, and no one deprived of his legal rights. We have submitted our views fully as to the law which we think governs the commission, and as to the construction which we think should be placed on the decree of the court of claims of February 3rd, 1866, and we have taken occasion to call the commission's attention to the methods used by the applicants, and the reputation of the witnesses they used, and in a general way, gave expression to what weight and credit should be given the testimony of their witnesses. The generosity of the Cherokee Nation gave equal rights to all those who complied with the provisions of the treaty of 1866, but it does not expect or anticipate that the commission will permit perjured testimony to place the names of any of these applicants on the roll not entitled under the law.

Having performed our duty as we honestly saw it, we are relieved of future responsibility, which the law and a trusting people confide to the care of the commission and the Secretary of the Interior.

Respectfully submitted,

LUCIEN B. BELL,

JAMES S. DAVENPORT,

WILLIAM W. HASTINGS.

Attorneys for the Cherokee Nation.

Attest: JOHN C. STARR, *Stenographer.*

APPENDIX.

EXHIBIT "A."

For the purpose of showing how unworthy of belief and how wantonly reckless their statements are we have selected thirty of the colored "professional standing witnesses" who testified in 889 cases, and perhaps in many others, and we show the cases by number in which each testified. Out of these cases we have selected two or three so as not to make our record too voluminous, in which each witness testified, and we show wherein the witness is contradicted and impeached. If these witnesses are clearly shown to have committed perjury in these cases; if they are contradicted flatly by disinterested, reputable witnesses whose integrity cannot be questioned, then we certainly contend that the commission, seeking for

the truth only, should disregard their statements made in all of the other cases. If we deduct those cases wherein applicants are on no roll and those who apply by intermarriage from the whole number of doubtful freedmen cases, it will be found that these thirty witnesses testified in about ninety-five per cent of the remaining cases. Witnessing was certainly a *profitable business*.

List of witnesses and the cases in which they testified:

- 1 ALBERLY, JAMES (Sheep).
F. D. Nos. 51, 214, 255, 257, 258, 273, 220, 322, 327, 328, 336, 353, 356, 359, 381, 418, 431, 446, 447, 485, 748, 226, 227, 228, 229, 230, 232, 267, 268, 269, 270, 271, 333, 334, 337, 365, 436, 772, 779, 782, 794, 810, 811, 842, 891, 921, 985, 1005, 1012. R. 156, 157. F. D. Nos. 368, 367, 438, 443, 121, 343, 348, 306, 307, 338. Total, 61.
- 2 BALDRIDGE, JOHN.
F. D. Nos. 363, 465, 477, 480, 523, 535, 555, 482, 899, 902. R. 1, 78. F. D. No. 1053. Total, 13.
- 3 BEAN, AMY.
F. D. Nos. 56, 196, 200, 202, 298, 304, 313, 323, 335, 355, 377, 719, 733, 324, 354, 819, 946, 947, 341, 340, 362, 358, 339, 1086. Total, 24.

- 4 CHAMBERS, CHARLEY.
F. D. Nos. 132, 220, 327, 336, 461, 463, 473, 475,
477, 539, 564, 597, 624, 629, 226, 227, 228, 229, 230,
232, 322, 333, 334, 337, 436, 462, 779, 835, 842, 857,
865, 876, 902, 994, 1010, 1012. R. 147. F. D. Nos.
438, 443, 343, 348, 307, 338, 1088. R. 193. Total,
45.
- 5 DANIELS, L. D.
F. D. Nos. 815, 843, 859, 870, 877, 886, 922, 928, 935,
946, 952, 957, 958, 961, 1010, 1012, 1025, 942, 351,
366, 413, 425, 918, 1075, 498, 2, 23, 26, 52, 54, 107,
123, 154, 208, 277, 278, 346, 352, 363, 364, 417, 502,
537, 538, 546, 566, 598, 607, 626, 630, 696, 710, 723,
755, 330, 353, 482, 775, 776, 780, 806. R. 23, 47,
104. Total, 64.
- 6 FOREMAN, LUSTER.
F. D. Nos. 39, 44, 45, 94, 210, 277, 278, 329, 351,
375, 413, 417, 662, 330, 352, 374, 775, 812, 886, 947,
966, 1064, 1010. R. 1, 36, 106. Total, 26.
- 7 FOREMAN, WILLIAM Y. H.
F. D. Nos. 46, 19, 41, 205, 212, 214, 215, 218, 258,
674, 267, 268, 269, 270, 271, 815, 830, 859. R. 115.
Total, 19.
- 8 FRENCH, DAVID.
F. D. Nos. 498, 502, 609, 627, 599, 776, 782, 797, 809,
813, 815, 829, 838, 856, 901, 935, 956. F. R. 134.
Total, 18.

- 9 FRYE, ANDRE V.
F. D. Nos. 208, 235, 239, 245, 251, 304, 240, 241,
212, 243, 244, 252, 253, 293, 296, 308, 311, 319, 348,
697, 731, 307. Total, 22.
10. GRIMMETT, BEN
F. D. Nos. 493, 577, 665, 764, 791, 794, 802, 824,
1014. F. R. 137. Total, 10.
- 11 HICKS, C. M. (Filmore).
F. D. Nos. 200, 202, 212, 235, 239, 257, 280, 332,
415, 505, 674, 686, 695, 197, 240, 241, 242, 243, 244,
245, 281, 285, 286, 291, 294, 296, 297, 308, 311, 319,
354, 697, 790, 819, 858, 368, 367, 358, 306, 307. F.
R. 94. Total, 41.
12. HARDRICK, MOSES
F. D. Nos. 201, 202, 208, 231, 283, 287, 296, 317,
585, 597, 631, 662, 690, 241, 267, 268, 269, 270,
271, 320, 321, 331, 348, 590, 731, 921, 946, 1009,
952, 1020, 1023, 328, 258. F. R. 85. Total, 34.
13. HARE, ABRAHAM.
F. D. Nos. 216, 453, 463, 690, 764, 810, 986, 1025.
F. R. 115, F. R. 119. Total, 10.
14. LANDRUM, JOHN
F. D. Nos. 474, 484, 498, 600, 664, 675, 696, 578,
599, 812, 860, 863, 884, 985, 999. F. R. 148, 80.
F. D. 919, 568. Total, 19.
15. LOONEY, STEVE
F. D. Nos. 508, 512, 539, 547, 548, 540, 767. F. R.
110. Total, 8.

16. LYNCH, SIMON

F. D. Nos. 196, 194, 201, 219, 287, 295, 300, 301, 344, 347, 218, 355, 328, 362. Total, 14.

17. LYNCH, ANDERSON (Crap.)

F. D. Nos. 251, 254, 255, 280, 287, 295, 309, 314, 316, 374, 376, 493, 522, 566, 604, 617, 693, 734, 79, 197, 219, 252, 253, 281, 285, 286, 291, 294, 297, 320, 321, 331, 375, 567, 731, 732, 770, 771, 791, 825, 828, 833, 860, 880, 956, 964, 1015, 1019, 362, 355, 397, 300, 328, 399, 400, 1028, 374, 309. F. R. 85. Total, 59.

18. LYNCH, ALLEN

F. D. Nos. 44, 98, 190, 200, 201, 202, 245, 248, 251, 258, 317, 344, 357, 372, 374, 376, 415, 418, 448, 493, 505, 522, 546, 561, 566, 588, 604, 606, 692, 79, 244, 252, 253, 267, 268, 269, 270, 271, 308, 347, 354, 375, 731, 732, 770, 772, 782, 790, 791, 812, 841, 860, 877, 884, 886, 1016, 919, 1091. F. R. Nos. 1, 80, 98. Total, 60.

19. MARTIN DAVID

F. D. Nos. 344, 355, 485, 535, 561, 577, 617, 693, 347, 566, 567, 606, 792, 805, 831, 838, 920, 946, 1005, 1079. F. R. Nos. 138, 154. Total, 22.

20. MARTIN, FRED

F. D. Nos. 304, 311, 375, 395, 526, 528, 692, 710, 719, 734, 755, 79, 293, 374, 765, 790, 280, 858, 868, 362, 358, 397, 389, 400, 1026. Total, 25.

21. MURRELL, NELSON

F. D. Nos. 461, 463, 473, 474, 475, 508, 519, 555, 748, 435, 462, 540, 547, 774, 788, 799, 850, 854, 865, 866, 871, 872, 876, 892, 901, 994, 1004, 1010, 1014, 408, 409. F. R. 106, 148. Total, 33.

22. McNAIR, COLUMBUS

F. D. Nos. 234, 248, 258, 344, 492, 644, 688, 267, 268, 269, 270, 271, 347, 694, 770, 805, 841, 865, 877, 880, 993, 999, 1004, 1015, 1019, 358, 1028, 1091. F. R. Nos. 119, 136, 138. Total, 32.

23. RILEY, MOSES

F. D. Nos. 202, 269, 353, 505, 644, 662, 715, 716, 748, 267, 268, 270, 271, 694, 921, 956, 1005, 1086, 1097. F. R. 119. Total, 20.

24. ROSS or NIVENS, POLLY

F. D. Nos. 154, 171, 172, 176, 355, 523, 527, 648, 696, 710, 723, 585, 778, 795, 820, 852, 859, 899, 944, 984, 979, 358. F. R. 1. Total, 23.

25. ROSS, FRANK

F. D. Nos. 314, 373, 498, 535, 587, 630, 631, 578, 201, 320, 321, 331, 590, 765, 777, 797, 806, 809, 813, 815, 1007, 1020, 1023, 1009. Total, 24.

26. STILL, HARRY

F. D. Nos. 355, 370, 415, 474, 498, 499, 500, 514, 520, 563, 565, 587, 655, 661, 664, 674, 686, 695, 733, 578, 443, 776, 812, 814, 818, 836, 860, 862, 863, 871, 872, 892, 975, 976, 999, 1007, 358. Total, 37.

27. VANN, GEORGE WASHINGTON

F. D. Nos. 55, 91, 97, 124, 134, 135, 159, 160, 161, 168, 169, 188, 925, 995, 1070, 1071, 1096. F. R. 57, 64. Total, 19.

28. VANN, GEORGE WEST

F. D. Nos. 207, 212, 213, 215, 289, 330, 335, 569, 498, 723, 353, 461, 655, 795, 810, 811, 901, 341, 340, 388, 389, 390, 1037. F. R. No. 82. Total, 24.

29. WHITMIRE, LEWIS.

F. D. Nos. 350, 371, 453, 458, 474, 498, 620, 626, 674, 686, 443, 574, 578, 602, 796, 814, 818, 836, 846, 849, 851, 862, 864, 869, 955, 966, 973. F. R. Nos. 140, 145, 141. Total, 30.

30. WEBBER, SAM

F. D. Nos. 216, 435, 437, 446, 447, 453, 466, 483, 546, 548, 555, 562, 604, 607, 609, 620, 625, 626, 627, 630, 443, 574, 576, 602, 794, 796, 799, 802, 824, 829, 846, 849, 850, 851, 852, 853, 854, 864, 866, 869, 871, 872, 884, 892, 928, 929, 945, 955, 959, 976, 981, 1008, 1013, 1015, 942, 919, 408, 409, 425, 1028, 1093, 1099, 350. F. R. 145. Total, 64.

Grand total, 889.

EXAMPLES OF THE CONTRADICTION OF WITNESSES.

ALBERTY, JAMES, (Sheep.)

James (Sheep) Alberty is clearly contradicted in the case of George Vann, F. D. 255, where he swears George Vann came in the spring or summer of 1866, and that he saw him near Clem Vann's place on Grand River. He is contradicted by D. W. Vann, ex-Chief S. H. Mayes, and by a letter from C. N. Vann, who was Clem Vann, filed in the case which shows that Clem Vann did not return to the Cherokee Nation in 1866.

James (Sheep) Alberty is contradicted in the case of Mose Riley, F. D. 258, where he swears that he saw him at his former owner's place, Clem McNair's, on Grand River, this is contradicted by M. J. Thompson who was once the wife of Jack McNair, Moses Riley's young master; also by J. M. Johnson, of Garnett, Kansas, and by R. L. Martin and others.

James (Sheep) Alberty is also contradicted in the case of Eliza Gaines, F. D. 220, by George W. Clark and L. B. Bell.

James (Sheep) Alberty, is impeached in the case of Walker Johnson, F. D. 356, where he swears that he saw Walker Johnson running a boat at the Brady

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F. D. Nos. 207, 212, 213, 215, 289, 330, 335, 569, 498, 723, 353, 461, 655, 795, 810, 811, 901, 341, 340, 388, 389, 390, 1037. F. R. No. 82. Total, 24.

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James (Sheep) Alberty, is impeached in the case of Walker Johnson, F. D. 356, where he swears that he saw Walker Johnson running a boat at the Brady

Ferry across the Arkansas River in 1866, as he, James Alberty, was on his way to Muskogee to buy some tobacco when it is well known that Muskogee was not then established.

This witness is also clearly impeached in his own case, F. D. 287, where it is clearly shown that he was sold out of the Cherokee Nation before the war.

BALDRIDGE, JOHN.

This witness is himself on a doubtful card, No. 480, was sold out of the country before the war and the proof is that he was whipped for stealing. Aside from the record in his own case he is contradicted and is completely destroyed in the case of Winnie Mackey, F. D. 899, where he swears that he saw her in Fort Gibson in 1866 when, in fact, she is traced from South Carolina through Arkansas and never was a Cherokee slave.

BEAN, AMY.

This witness was forty-five years old (See her age in her own case number F. 725) and was born in 1856. In order to give herself age in F. D. 200 she swears she is 57, and swears she saw Thomas Mayfield in 1866 in the Cherokee Nation when in fact the testimony of Walter A. West, G. W. Clark, J. L. Thompson and others shows he came back in February 1869.

CHAMBERS, CHARLES.

This witness testified for Queenie Smith, F. D. 779, and said she was the daughter of Fannie Sanders, afterwards Cornish. He is contradicted by Patsy Johnson, a niece of the alleged mother of Queenie Smith, who swears that she and Fannie Sanders were owned by the same person, that Queenie Smith is not a daughter of Fannie Sanders and is therefore a fraud. Queenie Smith is on no roll.

He is flatly contradicted in the case of Phillis Hayes, F. D. 902, by J. E. Thorpe, George F. Redmon, both of Kansas, who together have known her in Kansas continuously since the war and she now lives in Humbolt, Kansas.

This witness is contradicted in the case of Carrie West, F. D. 336, flatly by R. D. Knight, her former owner, Patsy Johnson and Henry Bean.

L. D. DANIELS.

L. D. Daniels, the man made famous by the issuance of rations at Ft. Gibson, is a noted professional witness who followed the commission from place to place to ply his trade for so much a case. In the case of Abraham Ward, F. D. 607, he is thoroughly set at rest by C. W. Kingsbury, of Mound City, Kansas, who swears that the Wards left Kansas and his

grandfather's place in 1869, and he knows it by the date of the erection of a barn in 1868, the date of erection being on said barn yet. He is contradicted by a great mass of other testimony in the same case, and among the witnesses being Byron Osborne and A. R. Wayne of Kansas; and a dog tax collected of Peter Ward, father of the applicant, in 1867, showing he resided and paid taxes in Kansas in 1867. Daniels of course swears he was here in 1866.

He is clearly contradicted in the John Morgan case, F. D. 755, where he swears that Morgan and wife came back in October or November 1866. He is contradicted by John Ross, who left him in Pennsylvania and swears he did not come in 1866, and he is further contradicted by R. B. Ross, Bob Meigs, John Wolfe, and William Hudson and the testimony of William P. Ross, deceased, as to the time the remains of late Chief John Ross were brought back to the Cherokee Nation.

He is impeached in the Sandy Ross case (F. D. 946), whose name is on no roll, by J. E. Thorpe, R. J. Morris, M. C. Robinson and S. P. Gray, all of Iola, Kansas, who all swear that Sandy Ross is a resident of Iola, Kansas, and has always lived there since the war.

He is further contradicted in the Henry C. Hay-

den case (F. D. 498). He swears that he was hunting horses on the wild prairie in Cooweescoowee district at a convenient place, December 29, 1866, or January 1, 1867, and saw Mariah Hayden when Mariah Hayden stated in her own application made to the Chambers court in 1878 that she never came to the Cherokee Nation until 1867. He is also contradicted by a dozen other witnesses in this case from Kansas.

He is contradicted in the Jackson Coody case (F. D. 1025), son of Lewis Coody deceased. He swears that he saw his father, Lewis Coody, at Ft. Gibson in 1866 when John H. Coody swears that he brought him back in 1868, and that Jackson Coody came afterwards, and it must be noted that Jackson Coody introduced John H. Coody himself.

FOREMAN, W. Y. H.

It is hardly necessary to notice this witness. In a number of cases he admitted that he charged and received from William H. Robinson \$125.00 for testifying for him and his family in 1896.

He is contradicted in the Laura Gross case (F. D. 46), by Rev. J. F. Thompson, the alleged young master of Laura Gross, who testified that he did not own such a slave, and by Sam Byrd, K. Embly and R. J. C. Barry, all of Texas, who traced Gross and

wife from Tennessee at an early day to Texas and from there to the Cherokee Nation after 1880.

He is contradicted in F. D. 194, in which case he swears that he hired George Daniels to break prairie for him in 1866, when Daniel's own witnesses swear that he did not come to Foreman's neighborhood until 1867, and George W. Clark in addition to swearing that the prairie was not broken also swore that Daniels was too young to break prairie at that time.

FRENCH, DAVE

Here was always a ready witness. In the case of Wash Nave, (F. D. 815,) he is clearly contradicted by the application of applicant's father to the Chambers court wherein Wash Nave, Sr., said he came back in the spring of 1867; and he is also squarely contradicted by ex-Chief S. H. Mayes and D. W. Vann. French is another witness for revenue.

He is contradicted in the Frank Whitmire case (F. D. 956) by Judge Watt Starr, of Claremore, I. T., and by Sam Coleman and George Davis.

FRYE, ANDREW

This witness, colored man also, testified in the Elias Downing case (F. D. 245) and is flatly contradicted by N. M. Couch, of Nowata, who was the young master of Elias Downing and he swears that

he left him in Texas in 1868. Frye swears that he saw him here in 1866.

He is directly contradicted in the case of Elias Lyons *et al.*, (F. D. 253) where he swears he saw the father of applicants in the Cherokee Nation in 1866 by George W. Clark who swears positively that he was not here.

FRYE, MILLIE.

This witness is the wife of Andy Frye. She positively testified in the Mary Harris case (F. D. 528), that both of the applicant's parents died of smallpox in the Cherokee Nation in 1882 or 1883 when H. E. Kelley, son of ex-Congressman Kelley, of Kansas, swears positively of their living in Kansas, of her mother dying there, and that he heard that the father afterward died in Kansas. Robert Brown corroborated Kelley, and told of the family, of the death and burial of the mother in Kansas, and the disappearance of the father.

She is contradicted flatly in the Alexander Claggett case (F. D. 303), by J. B. Brown and Haywood Rowe.

GRIMMETT, BEN.

Here is another witness who has testified in ten cases and who was whipped for larceny by the Cher-

okee authorities. This would seem entirely sufficient to discredit him.

But as one example of this notorious witness, he swore in the Mary Hudson case that he saw her in Fort Gibson in 1866, whereas J. W. Ellis swears he brought her and her husband from Hunt county, Texas, in 1871 or 1872.

He was equally as flatly contradicted in the Sarah London case (F. D. 577).

HICKS, FILLMORE (C. M.)

This unscrupulous rascal admitted that he received a mule for testifying for Aaron Martin, (F. D. 235). The admission is found in the George B. Duffin case (F. D. 505).

He is impeached in the George Thompson case (F. D. 858) and that he committed perjury in the case cannot be doubted. He swears to seeing George Thompson on Grand River in December, 1866 or January, 1867, when J. L. Thompson, his master, swears he left him Texas in 1868.

He is contradicted in the Thomas Mayfield case (F. D. 200) by Walter A. West and other witnesses who swear that Mayfield returned in February, 1869.

HARDRICK, MOSE

This man is himself on a doubtful card (F. D. 314) and the evidence in that case clearly shows that

he was not here in 1866. G. W. Clark and Nelson Moore swear that he was not in the Cherokee Nation and a lengthy decision of the Chambers court corroborates their statements.

In the Jafe Looney case (F. D. 597), he swears that her husband, Boson Looney, came back to the Cherokee Nation in 1866, whereas Frank Nearman and H. C. King, both of Kansas, testify of his living in Kansas until 1895.

In the Sandy Ross case, (F. D. 946) he is impeached by J. E. Thorpe, R. J. Morris, M. C. Robinson and S. P. Gray, all of Kansas.

HARE, ABRAHAM

This man is on a doubtful card, (F. D. 214) and was sold out of the country before the war. His two witnesses in his own behalf are James (Sheep) Alberty and W. Y. H. Foreman, both famous witnesses and are hereinbefore noticed.

He is flatly contradicted in the Mary Hudson case (F. D. 764) and of course he swore he saw her in 1866 on Lightning creek, Cherokee Nation, when J. W. Ellis swears he brought her from Hunt county, Texas, in 1871 or 1872.

In the case of Alfred McNair (F. R. 119) the witness is entirely repudiated by the commissioner in the field.

LYNCH, ANDERSON (Crap.)

Here is a witness that knows no date whatever but 1866, was always ready to testify, followed the commission from place to place to pursue his calling. This is the same man that Fillmore Hicks swore (in F. D. 505) that Aaron Martin gave a mule to him and Anderson Lynch to testify for him.

In the Jackson Fields case (F. D. 771) this witness is completely repudiated. Lynch saw the applicant riding through the country alone, 12 years of age, in 1866, whereas a number of reputable men from Kansas, leave Jackson Fields in Kansas for years after the war.

In the John May case (F. D. 828) he is impeached by H. C. Harford and R. E. Jenness and is contradicted flatly.

In the case of Ab Buffington (F. D. 374) he claims to have gone to Mound City, Kansas, for applicant's father William Buffington and Stephen Henry, whereas Mrs. Josephine Humiston, of Kansas, clearly contradicts him as she does also in the Jesse Vann case (F. D. 254).

LYNCH, ALLEN

In the Ab Buffington case (F. D. 254) Allen Lynch swears he found father of applicant, William Buffington, here in February, 1866 whereas, Ander-

son Lynch swears that he brought him down here in the fall of 1866, and both are contradicted squarely by Mrs. Josephine Humiston, of Kansas, as he is also impeached in F. D. 254.

In the Joe Lynch case (F. D. 376) he was discredited by J. L. Thompson, Walter A. West and C. L. Lynch.

In the Elias Lyons case (F. D. 253) he is impeached by George W. Clark and the decision of the Cherokee supreme court.

In F. D. 415 he makes a thoroughly discreditable statement, which is clearly met. He and two other men were wandering over the prairie driving a yoke of oxen and found Charley Pea and Sookie Pea, and the truth is they were not married and did not come to the Cherokee Nation from Kansas until anyway long after 1868.

LANDRUM, JACK

In the Alfred Bell case, (F. D. 863) he is emphatically contradicted. He claims to have seen the applicant on Lightning creek in 1866 and his owner, L. B. Bell, swears he left him in Texas in the spring of 1867.

Attention is especially called to the impeachment of this witness in F. D. 664 where C. W. Learned swears Jim Landrum lived at Neosho Falls, Kansas,

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for 18 years after the war and that the witness, Jack Landrum, otherwise known as John Landrum, was there in Kansas until 1868 and was not in the Cherokee Nation himself although he in some way got on the 1880 roll.

He is contradicted in the H. C. Hayden case (F. D. 498) because Mariah Hayden when she applied to the Chambers court stated she came back in 1867, and even this is contradicted and she did not come back for a number of years later.

LOONEY, STEPHEN.

If there is anything in testimony this witness is so thoroughly impeached in his own case (F. D. 519) that it will seem unnecessary to further notice him. He claims to have returned with Nelson Murrell (F. D. 548) but he is positively located in Kansas by Robert Meigs and John Ross as late as 1869 or 1870, and he is also located there by Jasper Fortney, Bashaba Fortney and W. H. Nichens and the records introduced by Lydia Barton show that he testified before the coroner the last days of December, 1866, in Kansas long after he swears he was in the Cherokee Nation and he has no reputable witnesses to swear for him.

LYNCH, SIMON.

This witness was convicted of larceny and served

a term in the Cherokee national jail and his testimony would not be received in any court.

MARTIN, DAVID.

David Martin is himself on a doubtful card (F. D. 486) and the only witness he produced in his own behalf was James (Sheep) Alberty, a thoroughly disreputable witness, who is also on a doubtful card.

This witness, David Martin, is positively located in Ottawa, Kansas, by H. C. Harford, Hattie Drake and Smith Ewing for 6 or 8 years after the war and Harford swears he left there 20 or 21 years ago. Martin is not corroborated by any reputable witness but is contradicted by disinterested witnesses and it would not seem necessary to follow him further.

MARTIN, FRED.

This star witness was forty-three years old when he testified so much and was born in 1858. He was used in twenty-five different cases, in each of which he has brazenly sworn to having seen them in 1866.

He saw John Morgan and wife (F. D. 755) in Fort Gibson in 1866 when it is clearly shown that John Morgan did not leave Pennsylvania until 1867.

In the case of George Thompson (F. D. 858) he is impeached squarely.

In the case of Alfred Bell (F. D. 863) he cer-

tainly committed perjury, as shown by Alfred Bell's master. He is flatly contradicted in (F. D. 734) the case of John Towers, by Mrs. Carilla Roberts.

But this ignorant boy was only eight years of age. Apply your own experience when you were eight years old—can you remember every passer-by at that age?

MURRELL, NELSON.

This famous disreputable colored man is an applicant himself (F. D. 548) and did not return until 1868 or 1870, and if five reputable witnesses from the state of Kansas are to be believed, he perjured himself in his own case, and in a dozen others, when he located them in the Cherokee Nation. See rebuttal testimony of B. F. Fortney, Bashaba Fortney, Jasper Fortney, C. T. Rucker and W. H. Nichens.

He is impeached and contradicted in the Stephen Looney case (F. D. 519) by the testimony of men of high integrity. See the straight contradiction in the case of Chaney Ross (F. D. 547). He is impeached in the case of Esau Fox (F. D. 508) and is repudiated in the case of Amos Adair (F. R. 106), where the commissioner would not believe him. He is contradicted in the Samuel D. Pinder case (F. D. 886). In fact this standing professional witness who testified in thirty-three cases was per-

haps the most reckless and disreputable of all, and was met by witnesses in almost every case you turn to.

MCNAIR, COLUMBUS

This witness is contradicted in the Moses Riley case (F. D. 258), by several reputable witnesses. He is flatly contradicted in the Perry Adams case, (F. D. 880) where the applicant is located in Kansas for years and years by witnesses from Kansas of the highest reputation.

ROSS, POLLY (or Nivens)

This witness is a colored woman of disreputable moral reputation, thoroughly recognized and known as such throughout the country and her famous expression is that she knew people upon their return "With the refugees." She was met and contradicted in nearly every case in which she testified.

The attention of the commission is called to the case of Fannie Nicholson, F. D. 984, where she is clearly contradicted and where her testimony is so unreasonable as to be unworthy of belief.

She is impeached in the case of Winnie Mackey, (F. D. 899).

She is impeached and repudiated in the Lucy Walker case, (F. D. 820) this being the case where the woman lived on Fifteen mile creek, near Fort

Gibson, and never knew about any other streams about the place when it is known that both the Verdigris and Grand rivers flow into the Arkansas river near that historic town.

She is contradicted in the case of Joanna Taylor, (F. D. 778) by Della Pettis and Sallie Youngblood who knew the applicant years ago in Arkansas.

She perjured herself in the Ed Riley case, (F. D. 696) as shown by numerous reputable witnesses introduced by the Cherokee Nation.

She is contradicted in the case of Martha Phillips (F. D. 852) by Elizabeth Davis and Richard Drake, disinterested witnesses from Kansas. If these cases are examined the commission will ascertain that this disreputable woman of loose morals clearly testified for gain in every case in which she was permitted and is clearly unworthy of belief.

RILEY, MOSES

This witness is himself upon Freedman Doubtful Card Number 258 and it is shown by the wife of his young master, and other reputable witnesses that he was not brought back to the Cherokee Nation himself until the fall of 1867, and if these witnesses are worthy of any credit this man was not himself in the Cherokee Nation in 1866 and would, therefore, not be a competent witness for anyone.

He is flatly contradicted in the George B. Duffin case, (F. D. 505) by reputable witnesses from the State of Kansas, who place George B. Duffin and his father and family in the State of Kansas for a number of years after the war.

This man is flatly contradicted in the Elijah Watie case, (F. D. 921,) where he testifies to seeing the applicant in the Cherokee Nation in 1866 or 1867 when in fact the applicant was never owned by a citizen in the Cherokee Nation prior to the war and he was located in Kansas for years after the war, at least ten, by Silas Piersol and H. C. Harford, both of Kansas, and disinterested.

He is also contradicted and impeached in the case of Delilah Rowe, (F. D. 748) by William Marrs and William Drake; both of Kansas.

ROSS, FRANK

Here is a man that followed the commission the whole rounds to get to be employed to testify. He is impeached and contradicted in cases without number.

He is impeached in the case of Charity Trow, (F. D. 535) by John E. Thorpe, L. G. Hutton and W. B. Culbertson, of Iola, Kansas. He is contradicted in the Moses Hardrick case. (F. D. 314).

He is contradicted in the Wash Nave case, (F. D. 815). Wash Nave, Sr., applied to the Chambers court and then stated that he came back in the spring of 1867, now Ross sees him in 1866.

He is contradicted in the Henry C. Hayden case, (F. D. 498.). Mrs. Hayden said before the Chambers court that she returned in the spring of 1867 and that they did not come back for years after the war is shown by numbers of witnesses from Kansas.

He is impeached in the Nancy Ross case, (F. D. 631) and this is a flagrant example of reckless swearing.

STILL, HARRY

This drunken negro followed the commission from place to place and was impeached and discredited in numerous cases.

His mother is on Freedman Doubtful Card No. 498, where he is contradicted and impeached and his wife, Della Still, is on Freedman Doubtful Card No. 250, which accounts for his taking such an active interest in these cases.

He is impeached in the Alfred Bell case, (F. D. 863). He saw Alfred Bell in 1866, when his master, L. B. Bell, left him in Texas as late as 1867 and he never came here for years.

In the Charley Hughes case, (F. D. 563) he claims to have seen him at Tahlequah in 1866, whereas C. P. Guthrie swears his father brought him from Missouri in about 1870 and had known him since during the war. Other witnesses corroborate Guthrie, and Hughes' only witness is Harry Still.

He is impeached in the Josh Vann case (F. D. 415) by witnesses from Kansas who place Vann and his mother and step-father in Kansas until after 1868.

He is contradicted in the Elizabeth Duncan case (F.D. 871) by James Walker, Miami Walker, Douglas Walker, Robert Fleming, J. J. Hawkins and O. P. Watson, who locate her in Kansas for twenty-five or thirty years after the war—Still of course saw her husband here in 1866.

He is contradicted clearly in the Charley Smith case (F. D. 514) where he says he brought them there where they located and lived.

Harry Still is clearly contradicted in the Ransom Daniels case (F. D. 812) by Mrs. Sarah Mundis, who tells of writing letters to the applicant in Texas and of his coming to the Cherokee Nation when the Wallace roll was made in 1889.

VANN, GEORGE WASHINGTON.

This witness was so disreputable that but few parties who had any cases whatever would let him testify for them. He is so completely refuted in his own case (F. D. 115) and he bears such a notoriously bad reputation and is so thoroughly well known to the commission so it would seem that no comment is necessary upon him. He was never owned himself as a slave in the Cherokee Nation before the war and the testimony submitted by the Cherokee Nation is to the effect that his name was George McCamish and that he came by the way of Little Rock where he was located from 1872 to 1877, to the Cherokee Nation where he is first seen by any person of any repute in 1877. He seems to have applied to the commission in 1896 as a Cherokee by blood, was rejected, and the testimony is also to the effect that he applied to the Old Settler commission a few years ago claiming a distributive share of that money.

If the commission will take any one of the cases in which he testified it will clearly be seen that he committed perjury in each one. Take for example the case of Rachel Baker (F. R. 57) which was rejected by the commission and the witness determined to be unworthy of belief.

In the case of Hartwell H. Houston (F. D. 188)

his statement shows how reckless he is about testifying. In the case of Alice Richardson (F. D. 55) he knew the girl along the river bank, a young lady in 1866 when in fact she was not born until 1863.

He seems to have been the agent of a number of Fort Smith colored people, and brought them before the commission, who were never slaves in the Cherokee Nation before the war and who never resided here until the last two or three years and some of them for whom he testified are even now residents of the states.

It will be noted in his own case that no Cherokee member of the Vann family nor any of the numerous slaves that belonged to the Vann family could be induced to recognize him as being a slave of the Vann family, but all without exception rebut and contradict him.

VANN, GEORGE WEST

This king-bee witness claims to have been a captain of some colored people who returned to the Cherokee Nation as he states in 1866. See the case of Tobe Bean, (F. D. 205) wherein he claims that he was sixteen years of age and that there were a large number of old men along in the company and yet this inexperienced young boy claims to have been captain of that crowd. This of itself is sufficient to repudi-

ate him but five of the most reputable men in the Cherokee Nation: George W. Clark, Jesse Cochran, T. J. Monroe, R. D. Knight, and J. C. Trott, all swear that this fight on Horse creek, which was at the old Knight place must have taken place in September, 1867, and inasmuch as R. D. Knight himself was arrested and taken to Van Buren for trial, certainly his testimony can be depended upon as being the most reliable. Again, in this case it was shown that George W. Vann was around with the Kern-Clifton commission in 1896 where the time of the Horse creek fight was a burning question and this now famous captain never even hinted in 1896 that he was along with the crowd or that he knew anything about the date of this fight although it was the subject of the taking of a great amount of testimony at that time.

This witness is contradicted in the Henry C. Hayden case (F. D. 498) by numerous disinterested witnesses and by the statement of Mrs. Hayden herself filed before the Chambers court in 1878 to the effect that she did not return to the Cherokee Nation in 1867.

This witness is contradicted in the case of Neatie Martin (F. D. 213) by F. D. Myrick, D. J. Hesson, and J. W. Bynum of Mapleton, Kansas, and

also John Cross and E. J. Clayton, of Kansas, and Ike Shields, of Nowata, but formerly of Kansas.

He is contradicted in the Lewis Martin case (F. D. 289) not only by all of the witnesses who testified in the Horse creek fight cases (being F. D. 205) but also by H. C. Harford, John Cross and Lewis Vann, of Harding, Kansas, Smith Ewing, of Ottawa, Kansas, and F. D. Myrick, of Mapleton, Kansas.

He is contradicted in the Ann Johnson case (F. D. 461) by William Ray and W. A. Johnson, of Kansas.

WHITMIRE, LEWIS AND MOSES.

We will take these two witnesses, Lewis and Moses Whitmire, together although Moses does not testify in many cases.

Your attention is particularly invited to the testimony filed in the case of Edward Wright (F. D. 818), where it is clearly shown that Lewis and Moses Whitmire did not move to the Cherokee Nation until the spring of 1867. In 1878, when they filed their application to the Chambers court, and this application is on file in the Edward Wright case, they stated that they had come down to the Cherokee Nation in the fall of 1866 for the purpose of looking up locations, that they returned and wintered in the state of Kansas and came back to the Cherokee Na-

tion in the spring of 1867 with their families. This was the first time that their families were removed to the Cherokee Nation. They came in different squads but at the same time with the Webber and Sanders families and the testimony in F. D. 216 by a great number of reputable witnesses as to the fact, and which is conclusive, that the Webbers did not leave for the Cherokee Nation until the last of February or the first of March, 1867, with their families. The testimony in F. D. 391 also shows that Eli Mackey killed Hayford, was immediately arrested, broke jail on the 26th day of February, 1867, when searching parties scoured the country and Reuben Sanders says wagons of their crowd were searched for Eli Mackey on their way to the Cherokee Nation. These cases would seem to clearly prove that they did not return to the Cherokee Nation with their families until the spring of 1867.

Before the Chambers court they introduced numerous reputable Cherokee witnesses to prove that they moved to the Cherokee Nation with their families in the spring of 1867, and this would seem to be entirely sufficient to disprove their present statements that they moved to the Cherokee Nation and located here in the fall of 1866 with all of these people for whom they testify.

WEBBER, SAMUEL.

We leave the most noted of witnesses for final consideration. He has testified in perhaps more cases than any other witness and he testified with such positiveness and directness which seemingly would lend credit to his statements. The record also shows that he has performed numerous marriages between different parties and we infer he is a minister of the gospel but if any witness among the whole list examined above enumerated is impeached, contradicted, overthrown and unworthy of belief certainly this witness has been.

The testimony in the Aaron Webber case (F. D. 216) shows that he never removed from the state of Kansas until the last of February or the first of March, 1867, and it is shown by witnesses who lived within a stone's throw of him and their memories are refreshed by the date of a transfer of a tract of land on September 24, 1866, upon which Webber lived and made a crop in 1866, and they testify that his time was not out and that he did not leave until the first of the following March, being March, 1867. Other witnesses fix him there from the fact that some of the family waited upon a young child that died October 23, 1866, and that he did not leave there until some time after that, the best of their

judgment being the first of March, 1867. It is admitted that he came to the Cherokee Nation with the Sanders family, and Reuben Sanders swears in F. D. 391, that his wagon was searched on their removal to the Cherokee Nation by a party looking for Eli Mackey, who had previously killed Dyer Hayford. The testimony shows that Eli Mackey killed Dyer Hayford December 22, 1866, was immediately arrested, within thirty minutes, and lodged in jail without any excitement and without anyone knowing it; that he broke jail February 26, 1867, and that he was at large until March 20, 1867, during which time a reward was offered for his recapture, and searching parties scoured the country looking for him and it was of course between February 26, 1867, and March 20, 1867, that Reuben Sanders' wagon was searched, who came along at the same time that the Webbers removed to the Cherokee Nation.

In the case of Edw. Wright (F. D. 818) the testimony is clear and convincing that the Whitmires did not remove their families until the spring of 1867, and inasmuch as we have argued it so fully heretofore reference is made thereto.

But Webber is also contracted in the case of Nelson Murrell (F. D. 548) by a number of reput-

able witnesses who place Murrell in Kansas until after 1868 and some of them until 1870.

The witness, Sam Webber, is impeached and contradicted in the case of Abraham Ward, (F. D. 607) by C. W. Kingsbury, B. B. Osborne, and A. R. Wayne, all of Mound City, Kansas, and this case is especially referred to as being a sample of his reckless swearing.

Your attention is also invited to the case of William H. Buffington, (F. D. 555) where the witness is contradicted by a number of home witnesses and by William Drake, Hattie Drake, D. E. Harford and S. H. Clark, an ex-sheriff, all of Kansas.

This witness is contradicted and impeached unmistakably in the Elizabeth Duncan case, (F. D. 871) where a number of witnesses from Kansas knew the applicant and her husband for at least twenty-five years in the state of Kansas and one of them hauled her to the railroad when she left there a few years ago.

This witness testified in sixty-four cases and perhaps more, he followed the commission from place to place and even after the applications were all made he was sent as a member of a Freedmen committee to remain at Muskogee to represent them and paid a per diem. From the above record with refer-

"Lee Cooper, Tablequah	District
"Henry Bird, "	"
"William Madden, "	"
"Alonzo Cullen, "	"
"Solomon Foster, Illinois	"
"William Hudson, "	"
"Haywood Youngblood, Sequoyah	District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

Tablequah, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission" on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tablequah, Indian Territory, on this the day and date above written.

[SEAL]

J. T. PARKS,

Executive Secretary of Cherokee Nation.

NOTE—"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation, made June 20, 1871."

NO. *4 D* 350

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy
of the within notice to *Joe Ross*

on the *24th* day of *May*, A. D. 190*2*
Nelson Lowrey

Subscribed and sworn to before me this

May 24, 1902
J. C. Starr
Notary Public.

I, the under-signed attorney for the within named
applicant, hereby accept service of the within notice
on this the _____ day of _____ 190

Attorney for Applicant.

I the under-signed agent for the within named
applicant, hereby accept service of the within notice
on this the _____ day of _____ 190

Agent for Applicant.

NOTICE.

In the Matter of the application of Joe Ross,
for enrollment as Cherokee citizens:

To Joe Ross, Choteau, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 29, 1902., A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May, 24, 1902.

No. F D 350.

Reg. 5/24/02.

L. B. Bell
W. W. Hastings
Jess Davenport
Attorneys for the Cherokee Nation.

EMPTY

Cher Fr 1526

Trans. from Cher Fr D 404

Cher Fr 1526

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 23, 1901.

In the matter of the application of Elizabeth Alberty for the enrollment of herself, husband and five children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge she testified as follows:

- Q Give me your full name? A Elizabeth Alberty.
Q How old are you? A 33.
Q What is your post-office? A Centralia.
Q In what district do you live? A Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Myself and five children.
Q Have you a husband? A Yes sir.
Q Do you want to apply for him? A No sir.
Q What is he? A He is a Cherokee Freedman.
Q Why don't you apply for him, are you and he parted? A No sir.
Q Is he here? A Yes sir.

(Com'r calls up applicant's husband.)

- Q Give me the name of your husband? A Andrew Alberty.
Q You will include him then in your application, and all of you go along together? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Peter Weigs.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Elizabeth Weigs.
Q Was that the old lady who applied here yesterday? A Yes sir.
Q She is alive now then? A Yes sir.
Q When were you and your husband married? A In '89.
Q Were you ever married except to him? A No sir.
Q Was he ever married except to you? A No sir.
Q Have you and he lived together ever since you were married? A Yes sir.

HARRIET WEBBER, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your name there, - she has been sworn, -? A Harriet Webber.
Q How old are you? A About 30 or 40.
Q What is your post-office? A Wimer.
Q Do you know the applicant here? A Yes sir.
Q She is married is she? A Yes sir.
Q What is the name of her husband? A Andrew Alberty.
Q What was this woman's name before she married? A Lizzie Weigs.
Q Give me the name of her father? A Peter Weigs.
Q And her mother? A Elizabeth Weigs.
Q Is that the old lady who applied yesterday? A Yes sir.
Q About how long has this woman been married? A I don't know.
Q Well, got quite a family hasn't she? A Yes sir.
Q About how many children, do you know? A Five I believe.
Q She married before any of these children were born? A Yes sir.
Q Had she ever been married before? A No sir.
Q Have she and her husband lived together ever since they were married? A Yes sir.

Applicant, ELIZABETH ALBERTY, re-called, and examined further;
by Commissioner Breckinridge:

- Q Give me the age of your husband? A I don't know; he is about 50.

ANDREW ALBERTY, being sworn and examined by Commissioner Breckinridge, testified as follows:

Elizabeth Alberty et al 2

- Q Give your name please? A Andrew Alberty.
Q How old are you? A I am about 47 I expect.
Q Are you the husband of this woman? A Yes sir.
Q Do you claim to be a Cherokee Freedman of your own right?
A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Hose Alberty.
Q Is he dead? A Yes sir.
Q How long has he been dead? A About 20 years I expect.
Q Give me the name of your mother? A Charity Hudson.
Q Is she dead? A Yes sir.
Q How long has she been dead? A About 15 or 20.
Q Now give me the names of your children? A Rattie Alberty.
Q How old is that child? A 11 years old.
Q Give me the name of the next child? A Charity Alberty.
Q How old is that child? A 10 years old.
Q Give me the name of the next child? A Mollie Alberty.
Q How old is Mollie? A Six.
Q Give me the name of the next child? A Bonnie Alberty.
Q How old is Bonnie? A Three years old.
Q Give me the name of the next child? A Dollie Alberty.
Q How old is that child? A One year old.
Q Are these children all living now? A Yes sir.
Q That's all of them, is it? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, applicant's husband, and husband's parents, and names of none of them found therein.

1890 census roll of citizens of the Cherokee Nation examined for applicants and names not found.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified as follows:
page 129 #2700 Elizabeth Haigs, Cooweescoowee District. "Wife of Andrew Alberty."
page 98 #2106 Andrew Alberty, Cooweescoowee District.

Leems-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified as follows:
page 101 #2518 as Lizzie Haigs, Cooweescoowee District;
page 150 #3714 Andrew Alberty, Cooweescoowee District;
page 150 #3715 Rattie Alberty, Cooweescoowee District;
page 150 #3716 Charity Alberty, Cooweescoowee District;
page 150 #3717 Mollie Alberty, Cooweescoowee District.

- Q Could you explain why your name is not in the roll of 1880?
A Why no sir, not exactly.
Q Well, you applied didn't you, to be enrolled at that time? A Well my folks did, I judge.
Q You were a young man about 27 years of age then; don't you remember applying for enrollment? A No sir.
Q When were your people enrolled? A I couldn't tell you.
Q Did you apply to be on the last census roll of 1890? A Yes sir.
Q Why didn't they put you on that roll? A I don't know sir.
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes sir.
Q Who was it you belonged to in the Cherokee Nation? A Man by the name of Hudson.
Q What was his full name? A Alfred Hudson as well as I remember.
Q Where did he live? A He lived up on Neosho.
Q Was he a recognized citizen of the Cherokee Nation? A He was a white man, intermarried.
Q What was his wife's name before she married him? A I don't know, sir; I couldn't tell you. Susie Hudson, but I couldn't tell

- you who she was.
- Q Did your mother belonged to that man? A Yes sir.
- Q Did your father belong to that man? A No sir.
- Q To whom did your father belong? A Belonged to the Albertys, I don't know which one.
- Q You were something of a boy when the war came on? A Yes sir.
- Q You remember the war times? A Yes sir.
- Q Where were you during the war? A I was in Kansas.
- Q You remember when you were taken there? A Yes sir.
- Q Where did they take you in Kansas? A Bourbon County, Kansas.
- Q Were your father and mother taken along at the same time? A Why no sir, my father wasn't, just my mother.
- Q When did you come back from Kansas? A I don't know exactly. They said it was in the year of '66.
- Q Who did you come with? A Come with my step-father and my mother and your own mother and your step-father? A Yes sir.
- Q She had been sent up there after you had been sent up? A No sir, we went together.
- Q Give me the name of your step-father? A Peter Hudson.
- Q Is Peter Hudson alive? A Yes sir.
- Q Where is he? A He is out west here at home on Big Creek.
- Q What is his post-office? A Centralia.
- Q Do you know whether he has applied for enrollment or not? A No sir, hasn't yet.
- Q You remember distinctly when you came back from Kansas; you remember about the trip, and all that? A Why not much; I remember some of it.
- Q You were quite a grown boy then? A Yes sir.
- Q Do you know how old you were when you came back? A No sir.
- Q Have you any way of telling when it was you came back? A Why no sir, not particular, no more than just they claimed it was in the specified time that we was to return back to the Cherokee Nation; that's as near as I can tell you anything about it.
- Q Have you any testimony you want to introduce to show that you came back within the specified time? A Please your Honor, I am not exactly ready now; I come with the old people, and I was quite young, and I supposed it was quite proper that I should come under the head of the old man, and he has a witness for the family, and for my part I wasn't prepared, that's the reason I wouldn't wish to take the stand just now.
- Q You speak of the old man, do you mean Peter Hudson? A Yes sir.
- Q Well, you can introduce your testimony later? A Yes sir.
- Q I will put you on a doubtful card now, which means to suspend judgment, and hold open for your testimony? A All right, sir.

Applicant, Elizabeth Alberty, re-called, and examined by
Com'r Breckinridge:

- Q Where were you born? A Born on Big Creek.
- Q In the Cherokee Nation? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself, her husband and five minor children; the applicant is identified on the Kerns-Clifton and the Wallace rolls, but not upon the roll of 1880 or upon that of 1896; she is 33 years of age; her change of name, arising from marriage, is established in a satisfactory manner; she is shown to be the daughter of Elizabeth Meigs, who is now alive, and who applied for enrollment yesterday, and of Peter Meigs, deceased. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in her case reference will be made to the case of Elizabeth Meigs, the applicant's mother, and a copy of the testimony in that case will be filed herewith;

As for the applicant's husband; he is found upon the Kerns Clifton roll and upon the Wallace roll, but not upon the roll

Elizabeth Alberty et al 4

of 1880 and 1896; he is 47 years of age; his father and mother are deceased, and he claims to have been a slave in the Cherokee Nation at the time of the war; to have been carried to Kansas during that period and to have returned from Kansas, with his mother, and step-father, Peter Hudson, in the year 1856; he proposes to introduce further testimony in his case when Peter Hudson applies, and the applicant's husband, Andrew Alberty, will now be listed for enrollment as a Cherokee Freedman on a doubtful card;

Of the five children named in the testimony, the first three are identified on the Kerns-Clifton roll, but not upon the roll of 1896; they are aged, respectively, 11, 10 and 6 years; they are living, and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card; it has been testified that neither the applicant nor ~~his mother~~ her husband was previously married, and there appears to have been a lawful marriage between them and a continuous wedded life from a time prior to the birth of any of these children down to the present date. When certificates of birth of the two younger children, Ben and Dollie Alberty, are filed with the commission, these children will also be listed for enrollment as Cherokee Freedmen on a doubtful card; when the final decision of the commission is reached with respect to these applicants it will be made known to the applicant or her husband at their post-office address.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this May 24, 1901.

A. M. ...

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 23 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 23 '01*
Post Office *Centralia S.C.*
District *Gov.*

1. Name *Andrus Liberty* Age ~~50~~ *47*

Owner's name *H.C.* Page *98* No. *2104* District *Gov*

Parents:
Father *Mose Liberty - dead* Citizenship *Gov*
Mother *Charity " "* Citizenship *"*

2. Name of wife *Elizabeth Liberty* Age *33*

Owner's name *H.C.* Page *129* No. *2700* District *Gov*

Parents:
Father *Peter Meigs - dead* Citizenship *Gov*
Mother *Elizabeth* Citizenship *Gov*

Names of children:

- 3. *Battie Liberty* Year *H.C.* Page *150* No. *3715* Dist. *Gov*
- 4. *Charity " "* Year *"* Page *"* No. *3716* Dist. *"*
- 5. *Mollie " "* Year *"* Page *"* No. *3717* Dist. *"*
- 6. *Ben " "* Year *"* Page *"* No. *"* Dist. *"*
- 7. *Henry " "* Year *"* Page *"* No. *"* Dist. *"*
- 8. *" " "* Year *"* Page *"* No. *"* Dist. *"*
- 9. *" " "* Year *"* Page *"* No. *"* Dist. *"*
- 10. *" " "* Year *"* Page *"* No. *"* Dist. *"*
- 11. *" " "* Year *"* Page *"* No. *"* Dist. *"*
- 12. *" " "* Year *"* Page *"* No. *"* Dist. *"*

*11 yrs
10 "
6 "
3 "
1 "*

Application made by *Mrs. Elizabeth Liberty* Photographer *M.C.C.*

*No. 2 on H.C. as Elizabeth Meigs
" " " H.C. Page 101 No. 2518 Meigs
Meigs Gov.
No. 1 on H.C. Page 150 No. 3714 Gov.
+ Ref. to case of Elizabeth Meigs.
No. 7 and 7 Proof of birth to be supplied*

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 8th 1901

SUPPLEMENTAL TESTIMONY in the matter of the application of Andrew
Alberty. Cherokee Freedman Debutful 404.

APPLICANT present.

W. W. Hastings present for the Cherokee Nation.

PETER HUDSON called and sworn as a witness for the applicant
by Commissioner T. B. Needles, testified as follows:

Examined by the Commission:

- Q What is your name? A. Peter Hudson.
Q How old are you? A. About 75.
Q What is your post office address? A. Ruby.
Q Do you know Andrew Alberty? A. Yes sir.
Q What relation is he to you? A. None.
Q Did you know his mother? A. Yes sir.
Q What is her name? A. Charity Hudson.
Q What relation existed between you and Charity Hudson? A. She was
my wife.
Q She was also the mother of this applicant? A. Yes sir.
Q Who raised him? A. I had him.
Q Where was he born? A. In the Cherokee Nation.
Q Was he a slave? A. Yes sir.
Q Who owned him? A. Sessie Hudson.
Q Was he taken out of the Cherokee Nation during the war? A. Yes sir.
Q With you? A. Yes sir.
Q Did he come back with you? A. Yes sir.
Q When? A. In the spring of '66.
Q Has he been living in the Cherokee Nation ever since that time? A
Yes sir.
Q He was with your family when you came back was he? A. Yes sir.
Q You brought him with you did you? A. Yes sir.

By W. W. Hastings:

- Q Is there not a possibility of your being mistaken as to when you
came back here? A. I have said every time that I came back in the
spring of '66.
Q You are positive of that? A. Yes sir.
Q You knew the years one from another do you? A. No sir, but they
said it was that and I suppose that was the time.
Q Do you know what years this is? A. No sir I dont.

By Com'r Needles,-

Further reference is made to the testimony given
by Peter Hudson in Cherokee Freedman D. Card #304 but it is not
necessary to make a copy of it however.

Chas. van Weise, being sworn states that as stenographer to the


SEP Tes 404

3.

Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chawonwau

subscribed and sworn to before me this the 19th of June, 1901 at
Tombigbee, I. T.



Commissioner.

File with Cherokee Freedman, D. Sanders, A. Sanders

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T.P., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C.R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.

Q How old are you? A I don't know my age.

Q About how old are you? A I was four years old when we came here with the old settlers.

Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.

Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.

Q What is your post office? A Centralia.

Q In what district do you live? A Cooweescoowee.

Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.

Q Who do you want to have enrolled besides yourself? A My children.

Q Have you any children under twenty-one years old? A No sir.

Q They will have to apply for themselves then? A (No response)

Q Have you a husband? A No sir he is dead.

Q Then you only apply for yourself? A Yes sir.

Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.

Q How long have you been called Meigs? A Ever since I was nothing but a girl.

Q Were you married to a man named Meigs? A Peter Meigs.

Q Is he dead? A Yes sir, five years ago in September.

Q Was he a Cherokee Freedman? A Yes sir.

Q Were you a slave in the Cherokee Nation before the war? A Yes sir

Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 185, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 182, No. 40, Elizabeth Daniel.

Note: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:

Page 181, No. 2748, Elizabeth Meigs, Cooweescoowee district.

Q Where were you during the Civil war? did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.

Q When did you come back? A In the winter of '66.

Q What time in the winter? A Well it was in the winter.

Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.

Q When did he bring you down? A In the winter after he went from here on Pig Creek.

Q He came ahead of you then? A Yes sir.

Q What time did he leave Kansas? A I cannot tell you when he first came.

Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.

Q Did he leave Kansas in the winter? A Yes sir.

Q Was he down here when Christmas came? A Yes sir.

Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.

Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.

Q How long after Christmas before you and he started down here together? A Directly after.

Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.

Q What members of your family came down with you and your husband? A These children.

Q Did you bring your child Alice Sanders with you? A Yes sir.

Q All the children? A Yes sir.

Q Can you explain why you are not on the roll of 1880? A No sir.

Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

Iy W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.

Q Where were you living in Kansas then? A Fort Scott.

Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.

Q Was it as much as a couple or three weeks? A Yes sir I guess so.

Q And then you started down here? A Yes sir.

Q Was it in the spring of the year when you reached here? A No sir in the winter.

Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there was no buds nor nothing on the trees, it was winter I tells you.

Q You all came in wagons did you? A Yes sir.

Q Who came with your husband down here when he first came? A Old man Mike Sanders.

Q Who else? A Reuben Sanders.

Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was Little Sam Webber and old man Sam Webber.

Q Any other Webber's? A Aaron Webber.

Q Did anyone else come down? A I don't remember anyone else now.

Q Were you there when they started town? A We all come together I am talking you.

Q But I hear when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first come down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q And they all started together? A Yes sir.

Q These that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q And after Christmas you all come down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Chetopa? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '86.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you come there besides your own crowd? A No sir, down on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see anyone from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.

Q Did these people who first come down with you husband return with him and then come down again when your family call came after Christmas? A Yes sir.

Q You all come back together? A Yes sir.

Q Now Auntie, did any additional people - any other families come down with you? A I dont know who all come down, I am just telling you what I know.

Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that come? A Aaron Wright come with us.

Q Who else? A (No response)

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there

Q Who? A Lunie Riley was there on Verdigris, but now where we was living.

Q How far from where you settled? A I don't know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none.

Q You didn't see anybody on Big Creek, neither white or back, except those that come with you? A That is all.

Q And you have been there ever since? A Yes sir, ever since we moved there.

Q You say your husband Peter Meigs built a house there? A There is a log house there and he bought the house and we moved to it.

Q Who built the house if you know? A Henry Harold.

Q Was he a colored man? A Yes sir.

Q Is he living? A I don't know if he is or not.

Q Some 3 or 4 years after you come down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.

Q They didn't admit him then did they? A I don't know sir.

Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.

Q I mean in Court? A That is what I am telling you.

Q You know what a court is dont you? A Yes sir.

Q What court do you know? A Kerns Clif'on court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee council? A I dont know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. K. Preckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Coweetowne district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the Court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Goshenland Band, at the time.

Q Do you know the applicant Elizabeth Meigs? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was?

- A Yes, sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q His wife's citizenship was also disputed? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
- Q Was Bob Daniels chief justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were there yourself? A No sir.
- Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horseback; it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.
- Q Who else came with you? A My brother Dan and the Whitaires.
- Q Which ones? A Several.
- Q Which ones? A Mose and Dennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
- Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You come in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I come in August.
- Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left them on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs. Meigs lives? A Yes sir.
- Q And you returned in October, how long did you stay in October?

A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '86 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67. A No in the winter of '86.

Q Is you came here in the August and October of '86 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 86 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January of February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs. that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Kerns Clifton Commission as to whom came at this time and as to when you come? A I havent been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neesho? A No sir.

Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chetopa and come on west through the prairie? A We may have.

Q You were in wagons? A Yes sir.

Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your crowd built?

A I dont know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there with your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with one horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.

Q There was no farms made there when you paseed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here?

A Yes sir.

Q Where was Peter Meigs in Christmas of '65, do you know? A No sir I don't exactly know where he was in Christmas of '65.

Q When Peter Meigs got back to the Cherokee Nation with his family

- did he settle in the Cherokee Nation near your family? A Yes sir.
- Q How far apart? A Two or three hundred yards apart.
- Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
- Q You staid here then? A Yes sir.
- Q When did you come? A In the winter.
- Q Was it in February? A Must have been in December.
- Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.
- Q Did your father come at that trip? A Yes sir.
- Q Your mother? A Yes sir.
- Q Peter Meigs? A Yes sir.
- Q His wife? A Yes sir.
- Q That was your third trip? A Yes sir.
- Q Was that your last trip? A Yes sir.
- Q When did your wife Alice come? A Come then.
- Q On that third trip? A Yes sir.
- Q You say Peter Meigs made all three trips with you? A Yes sir.
- Q Every time you came he came? A Yes sir.
- Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No sir.
- Q Do you remember distinctly that you came here in August the first time? A Yes sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
- Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.
- Q With his family? A Yes sir.

By Com'r Bbeckinridge: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final

decision of the Commission will be made known to her at her postoffice address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.
Subscribed and sworn to before me this the 29th of May, 1901, at Chelsea, I.T.

Signed, T. B. Needles,
Commissioner.

Supplemental:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 50 past.

Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.

Q How did you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?
A Named Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you get his first name?
A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No, I don't know nothing about that part of it

Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this error? A I thought so myself;
I called my own attention to it; I was studying over it; I did.
Q You know now it was only a few days after Christmas? A Yes sir,
a few days after Christmas.

Com'r Breckinridge: This statement will be filed as
supplemental in the Elizabeth Meigs case, to be considered in
connection with the former statement of the witness, and the
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

Signed, M. L. Green,

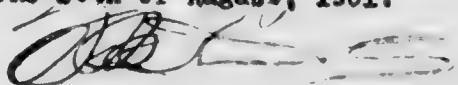
Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,
Commissioner.

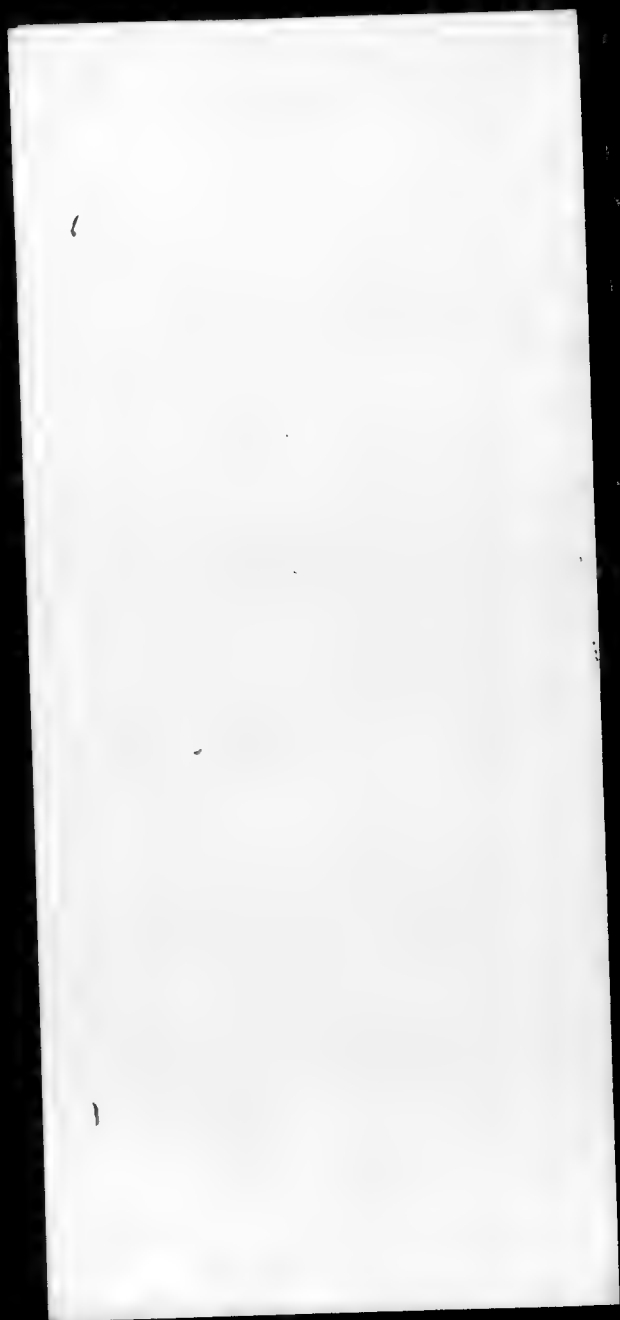
Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he copied the foregoing,
and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.



Commissioner.



COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYLESWORTH,
SECRETARY

March 10, 1910

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Andrew Albert, et al. for enrollment as
Freedmen of the Cherokee Nation.

No.

S. L. 1404

Louis T. Brown
Agent for applicant

File with ... D-404, Andrew Alberty.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 18, 1901.

In the matter of the application of Elizabeth Meigs et al. for
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

- 1. J. Brown, agent for applicants;
- 2. B. Hall, of counsel for Cherokee Nation.

... being duly sworn by Commissioner Needles, tes-
tified as follows:

- Q By J. Brown, State your name? A Daniel Sanders.
- Q What is your age? A About 59.
- Q What is your postoffice address? A Centralia.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q Does your name appear upon the authenticated roll of 1867?
- A I think it does.
- Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
- Q What relation is George Meigs to Elizabeth Meigs? A Her son.
- Q Did you know Peter Meigs during his life time? A Yes, sir.
- Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were of the Cherokee Nation during the war? A Yes, sir.
- Q When did they return to the Cherokee Nation? A They came in '68.
- Q With whom did they return? A They came with me and my father and the Webbers.
- Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.
- Q Mr. Hall, when did you come to the Cherokee Nation yourself after the war?
- A That time of the year? A First of December.
- Q That was the first time? A Yes, sir.
- Q When did you make your second trip? A Along in first part of January.
- Q That was January, 1867? A Yes, sir.
- Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
- Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
- Q Peter came with you alone the first time? A Yes, sir.
- Q Then the second time he brought his family? A Yes, sir.
- Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
- Q Then was his children? A Then was his children.
- Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of November, 1901.

[Signature]
Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '86.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth? A No, sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes, sir.

Q Do you know what his wife's name was when the war broke out? A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out? A Yes, sir.

Q Well, did you ever know her by any other name than Betsy? A Bettie.

Q There was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71,

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes, sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

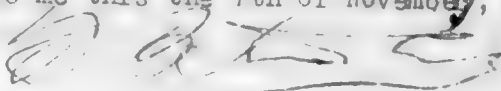
Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-375, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 7th of November, 1901.



Commissioner.

I, the undersigned agent for the
within named applicant, hereby accept
service of the within notice on this the

31 day of March, 1901.

James H. [unclear]

Agent for applicant.

[Faint, illegible text]

[Faint, illegible text]

NOTICE!

IN THE MATTER OF the application of Andrew Alberty et al
for enrollment as Cherokee Freedmen:

Case No. F. D. 6-64

To Andrew Alberty, Central

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Delaware Indian Territory, on January 1, 1902 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 25th day of January 1902

J. B. Bell
Jess Davenport
N. M. Hastings

Attorneys for the Cherokee Nation.

Supl.-C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 14, 1907.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. B. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '57.
Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the N. K. & T.?
A Well, I will tell you what I know about the railroad; the rail-
road came through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. The secretary hadn't determined whether the right-of-
way. They had begun it in 1870 and the N. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chetopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was the sublet to, that was the deal that got made
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked our way
to the Creek Nation. That was the first railroad built in the
country and the first cross-ties was cut on the railroad in this
country.
- Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never went out except during the war

Q Where did you live before moving to "Monequah"? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the S. K. & T. railroad built from Chotopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '72.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the Applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rossen.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. E. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.



Sworn to and subscribed before me this 7th day of August, 1902.


Notary Public.

F. D. 604.
File with F. D-404- Andrew Alberty.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 8th 1901.

In the matter of the application of Peter Hudson for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, attorneys for the applicant.

W. W. Hastings, Attorney for the Cherokee Nation.

(Examination by Com'r Needles)

- Q What is your name? A Peter Hudson.
Q How old are you? A I don't know sir how old I am.
Q Well about how old are you? A 70 or 75.
Q What is your post office address? A Ruby.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A Just myself.
Q Is your name on the 1880 roll? A I don't know sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace and Kern Clifton rolls.

The Kern Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 144 No.3564, Peter Hudson, Cooweescoowee district.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 118 No.2492, Peter Hudson, Cooweescoowee district.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

By Mr. Mellette:

- Q Were you a slave prior to the war? A Yes sir.
Q Who owned you? A Susie Hudson.
Q Was she a Cherokee Indian? A Yes sir.
Q Where did she live? A On Neosho river.
Q Did you leave the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A To Kansas.
Q What place? A Fort Scott.
Q When did you return to the Cherokee Nation? A I came back in the spring on '66.
Q Where to? A On Hudson creek.
Q Where is that? A East of here, runs into Neosho river.
Q Where have you lived since you came back here in 1866? A Part of the time on Hudson creek, and my home part of the time has been on Big creek.

Peter Hudson 2.

Q Have you ever been out since you came back in '66? A No sir.
Q Have you a place on the Public Domain of the Cherokee Nation? A Yes sir.

BY Mr. Hastings:

Comes now the representatives of the Cherokee Nation and object to this question because it does not tend to prove a compliance of the applicant with the treaty stipulations.

By Com'r Needles:

The objection is over-ruled--you can ask the question

By Mr. Hastings:

We desire the objection noted.

By Mr. Mellette of applicant:

Q What was your answer to my question? A I have a place on Big creek.
Q How long have you owned it? A I don't know--I cant tell.
Q How many children have you living of your own? A Two.
Q What is the names of your children who are living? A Sarah and Billy Hudson.
Q How old is Sarah? A She was born before the war.
Q Did she come back the same time you did? A Yes sir.
Q What is the name of the other one? A Billy.
Q How old is he? A Older than she is.
Q Was he born a slave? A Yes sir.
Q Who was her owner? A Susie Hudson.
Q Was Sarah born a slave? A Yes sir.
Q Who was her owner? A Susie Hudson.
Q Did they both come back to the Cherokee Nation with you? A Yes sir.
Q Who did you come back to this country with? A Come with me and my family.

By Mr. Hastings:

Q About how old are you? A I dont know how old I am, guess about 77 or 75 years old.
Q Where did you live before the war? A On Neosho river.
Q What town is near there now? A I dont know, closest is Baxter Springs I guess.
Q How far did you live from the oine--the State Line? A I dont know.
Q How long did you live up there before the war? A I dont know that either.
Q You were living there when the war commenced? A Yes sir.
Q When the fighting commenced? A Yes sir.
Q Did Susie Hudson have a husband? A Yes sir.
Q What is his name? A Alfred Hudson.
Q Was he living then? A Yes sir.
Q Did she have any family? A She had a son living then.
Q What was his name? A Thomas Hudson.
Q What kind of a farm did they have? A A prairie farm.
Q What kind of a house did they live in? A Log house.
Q Did it have two rooms? A Two rooms.
Q Where did they get their water, from a spring or a well? A Spring.
Q Did you know a man called Dr. Hayden then? A In part.

Peter Hudson 3.

- Q Where did he live? A At Mayesville, or down on the live on Arkansas.
- Q How far was Mayesville from where he lived when the war commenced?
- A 35 or 40 miles I guess.
- Q How did you happen to get acquainted with Dr. Hayden? A Well that makes a whole kind of a long talk.
- Q Well that is what we will have to have then uncle for I want to know just how you became acquainted with him? A Well we had a mighty terrible spell of sickness in the family at Mayesville and they used Dr. Hayden as a doctor and we treated them all and then he had to be paid, and in paying him they let him have a nephew of mine named Ben for part pay and he let my old boss have 90 head of cattle in the trade, that is how I come to know him. I dont think it is any necessary use to bother about that any more vause I has got a man ~~he~~ here in town that can prove that I was not sold to him myself, it was a nephew of mine. I know that here, Hayden's son that said that I was sold but I wasn't.
- Q You deny then that you were sold to Dr. Hayden? A Yes sir.
- Q Were you living with Hudson or with Hayden when the war commenced?
- A I never lived with Hayden in my life, no sir not in my whole life.
- Q Did you ever work for him? A Not a day in my life.
- Q Who were some of your neighbors at the time you lived with the Hudsons when the war commenced? A There was Jim Odrain lived within five miles of the,
- Q Is that Scott Odrain's father? A I dont know Scott Odrain.
- Q Any one else live there? A Thomas Hudson.
- Q Is he living? A They tell me he is not.
- Q Any one else outside of the Hudson family? A A white family lived there named Berry.
- Q Any other Cherokee family? A No sir I dont know of any.
- Q Where did you go when the war commenced? A To kansas.
- Q To what town? A Fort Scott.
- Q Were you in the army? A No sir.
- Q What did you do in Fort Scott? A Worked around at most any kind of common labor.
- Q You just come back with your own family? A Yes sir my family and me come together.
- Q You didn't have any witnesses in the Kern Clifton court did you?
- A No sir, I made a mistake in that court, I was very deaf and cant hear and I didn't have any witnesses.
- Q Where did you first come to after the war? A On Hudson creek.
- Q Was that near the old place? A Yes sir.
- Q Right at the old place? A Not right at it.
- Q How far from the old place? A 8 or 10 miles on the prairie.
- Q From the old place? A Yes sir.
- Q Did you build a house there? A No sir, I lived in a tent.
- Q No one living around you? A No sir.
- Q How long did you stay there? A Cant tell you just how long.
- Q Well about how long? A 8 or 9 months, maybe longer.
- Q You came there at what time of the year? A In the spring of the year.
- Q Well was it March, April or May? A Some of those months, I dont know exactly.
- Q And you staid there until after Christmas? A No sir.
- Q About what time did you leave there then? A A good while, I dont know when I went away from that place for I didn't have nothing to study about dates them days.
- Q What are you doing there? A I was living up there.
- Q Working any? A I didn't work there.
- Q Do you mean to say that you went up there and just squatted down there and did nothing during those hard time? A Yes sir I just lived there, I didn't have any work to do aroud there.

Peter Hudson 4.

- Q What did you live on there? A Plenty to live on there, a man never needed to starve.
- Q Well what did you live on there? A Dennis and Mathew Fields was in there then and come and staid there with me all that time.
- Q Were they Cherokees? A Yes sir.
- Q They are dead? A Yes sir, that is what you told me.
- Q Did you all live in a house there on Hudson creek? A No sir, there was not a house to be seen around there.
- Q How far from the Kansas line was that? A I dont know.
- Q How far from the old Mose Pooler ferry? A It must have been 10 or 12 miles from where a ferry was, I dont know that ferry you speak of, I know where old Jack McLain had a ferry.
- Q Near where the old Military road crossed the river? A Yes sir.
- Q How far was it from that? A 10 or 12 miles.
- Q Where did you go to from that place? A I went from there to what is called West Cabin.
- Q When you were on Hudson creek, were you on the prairie? A I was on the creek--kind of a patch of timber and brush on the creek.
- Q You come to West Cabin then,--how far from Vinita? A I dont know.
- Q How long did you stay there? A Must have staid there three or four months.
- Q Locate the place on West Cabin that you were, as near as you can? A It has been so long I dont know how to give you the place we settled, there wasn't no one else around there.
- Q No neighbors at all? A No sir.
- Q Were there any Cherokees there? A No sir, only the two men that I spoke of that was with me.
- Q What two? A Dennis and Mathew Fields.
- Q What did you do for a living there on West Cabin? A Lived on anything I could get to eat: Those men had some stuff and we lived on that and then what we could get around there.
- Q You didn't see any white folks there? A No sir.
- Q Don't you know who lives there now on West Cabin? A No sir, I dont know who lives there now.
- Q Dont you know the town that is located near there now do you? A Vinita I guess, I reckon it is, I dont know.
- Q You dont know how far from where Vinita is now it was? A No sir.
- Q You dont know in what direction that place is from where Vinita is now? A No sir, north or north-east I guess.
- Q You had no colored neighbors there either? A No sir.
- Q Just in a tent or in a house? A In a tent.
- Q And you didn't work there either? A No sir.
- Q Where did you go from there? A Went to Big creek.
- Q What time did you land at Big creek? A I dont know, I went there in the fall or winter like, though.
- Q What year? A I dont know what year, never knew anything about the years.
- Q Never did think of the years then did you? A No sir, I thought that I was at home and there wasn't any need of studying about the years; never was educated about the time and the years and never paid no tention to it then; never had to study about it.
- Q Did you ever go to Tahlequah to court and get your rights proved up? A Did onced.
- Q You were not put upon the roll were you? A You know if I am upon the roll or not.
- Q Since you went up on Big creek, have you lived there ever since? A Yes sir, on Big Creek.
- Q At the same place where you first stopped? A Two miles from there.
- Q Was Jim Martin living there then? A I dont know where he was living
- Q Didn't you say before the Kern Clifton court that he was living there? A I said that I found him there.

- Q What Cherokees did you see when you went there? A None.
Q What Delawares? A I saw some but I dont know their names.
Q You saw some though? A Yes sir.
Q You have lived close to Jim Martin ever since? A Yes sir.
Q Where did you see Anderson Lynch after the war fro the first time?
Q They run in on to my camp on Cabin creek after I had left Hudson creek.
Q Who was with Anderson Lynch? A Al and Crap was together.
Q Any one else? A May have been some one else.
Q You didn't remember that five years ago did you? A I didn't need to.
Q You never said anything about it then did you? A You never asked me about it then.
Q Where were they going when they run across your camp? A I dont know, they never told me their business.
Q How long did they stay with you? A All night.
Q What time of the year was that? A In the fall of the year,
winter some time, I dont know which.
Q And you dont know what year it was either? A I dont know anything about it.
Q When did you see Sam Webber first? A I saw him on Big creek.
Q The first time you went there? A Yes sir.

By the Commission--

- Q Do you know the reason your name is not on the 1880 roll? A I dont know the reason, guess they would not put it on.

By Mr. Mellette:

- Q The place that you come to in 1866, or after the war, was it the same place that you went from to Kansas? A Ten miles above there.
Q Was it in the Cherokee Nation? A Yes sir.

ALLEN LYNCH, called and sworn by Commissioner T. B. Needles, testified as follows for the applicant--
(Examined by the Commission)

- Q What is your name? A Allen Lynch.
Q How old are you? A 61.
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q Do you know the applicant here, Peter Hudson? A Yes sir.
Q How long have you known him? A Before the war.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A He belonged to old man Hudson on Neosho river.
Q Was Hudson a Cherokee Indian? A I dont know.
Q Was that in the Cherokee Nation? A Yes sir.
Q He was held as a slave then in the Cherokee Nation? A Yes sir.
Q Do you know if Peter Hudson was taken out or if he went out of the Cherokee Nation during the war? A No sir I don't.
Q When did you see him after the war? A On Cabin creek.
Q In the Cherokee Nation? A Yes sir.

Peter Hudson 6.

- Q When was that? A In the winter of '66.
Q In the early part or the latter part of the winter? A In the fore part of the winter.
Q Where has he been living since? A I passed his house once since he lived there.
Q Did he have his family with him that first time you saw him? A Yes sir.
Q Was he living in a house then? A Camped with him family.

By W. W. Hastings:

- Q What place on Cabin creek did you see him? A Just below the Scrimpcher place.
Q How far below it? A I dont know exactly, we were hunting there and run on to him.
Q How far from your place? A 17 or 18 miles.
Q Was he just camped in a tent? A Yes sir, camped and had his wagon--I dont remember if he had a camp.
Q How long did you stay there? A Not over an hour.
Q Where were you going hunting? A The country was sparsly settled then and we hunted all over there.
Q As early as '66 were you not a good ways from home on a hunting trip?
A No sir we lived at the mouth of Bull creek then.
Q Couldn't you have hunted nearer home than that? A Yes sir we could have.
Q You didn't appear as a witness for Mr. Hudson five years ago did you? A No sir.
Q Ddin't you remember this fact then? A Yes sir.
Q You remember that it was in the winter of '66? A Yes sir.
Q You never saw him for a number of years after that? A No sir.
Q And you were just up there hunting and happened to run on to him? A Yes sir.
Q Did uncle Peter give you anything for testifying for him? A No sir not a cent.
Q Didn't you tell him about having seen him up there? A No sir he asked me if I was not one of the fellows that had been up there hunting that time and come across his camp.
Q Who else was with you that time? A Crap, and Art Williams, Bob Downing and Alex Hawk.
Q Was this last one a colored man or a Cherokee? A Cherokee.
Q Any one else along? A Yes, Mose Whitmire.

ANDERSON LYNCH, called and sworn as a witness testified as follows for the applicant: (Examined by Com'r Needles)

- Q What is your name? A Anderson Lynch.
Q How old are you? A 64.
Q What is your post office address? A Vinita.
Q Are you a recognized freedman of the Cherokee Nation? A Yes sir.
Q Are you on the roll of 1880? A Yes sir.
Q Do you know the applicant, Peter Hudson? A Yes sir.
Q How long have you known him? A Since before the war.
Q The war between the North and the South? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A To the Hudsons.

Peter Hudson 7.

- Q Were they Cherokee citizens? A Yes sir.
- Q Was it in the Cherokee Nation that you knew him? A Yes sir.
- Q Do you know if he went out of the Cherokee Nation during the war? A He must have went out, when I saw him next it was in Kansas.
- Q During the war? A Yes sir.
- Q What point in Kansas? A Fort Scott, where we all broke up at.
- Q Do you know when he returned to the Cherokee Nation? A No sir I dont.
- Q When did you first see him after the war? A I saw him on Little Cabin.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q What year was that? A That was long in the winter of '66.
- Q Fore part or latter part of the winter? A In the fore part.
- Q Where did you see him? A The other side of Vinita on Cabin.
- Q Did he have his family with him? A Yes sir, there were several in a wagon, I never noticed them much.
- Q Were they in a house? A No sir, not in a house.
- Q Do you know if he has lived in the Cherokee Nation ever since that time continuously? A Yes sir I have heard of him up on Big creek.
- Q Have you ever seen him since? A Yes sir at Goose neck.

By W. W. Hastings:

- Q Where did you see Peter Hudson before the war? A At Fort Scott.
- Q Was that the first time that you ever saw him? A No sir on Hudson creek.
- Q You never saw him up to the time the war came up did you? A No sir.
- Q Then your testimony as to his ownership before the war was simply what you knew about it some years before the war? A Yes sir.
- Q You didn't know him just at the time ~~of~~ the war came up? A I didn't see him then, I knew him though.
- Q But you had not seen him for several years before the time the war come up had you? A No sir until I saw him at Fort Scott.
- Q What direction was it from Vinita that you saw him that time you were hunting? A East of Vinita, below John Landrum's place.
- Q How many miles from Vinita? A Two miles.
- Q Did John Landrum have a house up there? A There was a house owned by the Landrums, there was a Cherokee fellow with us and he said that it was the John Landrum place.
- Q Two miles from Vinita? A Yes sir where Battles is living.
- Q You saw a house there? A Yes sir, a log house.
- Q How long did you stay there? A Not over two hours.
- Q Have you a positive recollection as to the year it was? A Yes sir in '66, in the winter.
- Q Do you remember all ~~the names~~ of the people that you saw in '66? A Yes sir, I remember a good many.
- Q Are you willing to swear that this man was there two miles east of Vinita on Cabin creek in the winter of '66? A Yes sir.
- Q What were you doing up there? A Hunting.
- Q Who was with you? A Bob Downing, a Cherokee fellow we called Josiah Doublehead, Al, and Art Williams.
- Q Was that all? A That is all that I can remember.
- Q Did you come on hunting this way? A Yes sir we come on this way.
- Q In the same country he was in? A Yes sir.
- Q How far was that from your home? A 4 or 5 miles, I reckon.
- Q From your home? A Yes sir.
- Q Did he have any farm there? A No sir.
- Q You dont know how long he had been there? A No sir.
- Q You dont know what he had been doing? A Must have been traveling.
- Q How much has he given you for testifying in his case? A Nothing as

Peter Hudson 8.

I know of.

Q You would know it if he had wouldn't you? A Yes sir.

Q Did he promise to pay you anything? A No sir, he will pay me enough to pay my board with anyway I guess.

Q Have you got a contract with him for pay? A No sir.

By the Commission--

Q Where was no town of Vinita was there when you saw this man? A No sir no town or railroad.

SAM WEBBER, called and sworn testified as follows on the part of the applicant:(Examined by the Commission)

Q What is your name? A Sam Webber.

Q What is your post office? A Nowata.

Q What is your age? A 51 I reckon.

Q Are you a recognized Cherokee freedman? A Yes sir.

Q Do you know the applicant Peter Hudson? A Yes sir.

Q How long have you known him? A Got partly acquainted with him before the war and better after the war.

Q Was he a slave? A He told me he was.

Q You dont know of your own knowledge to whom he belonged? A No sir.

Q Did he go out of the Cherokee Nation during the war? A Yes sir to Fort Scott.

Q When did you see him after the war and where? A On Big creek.

Q In the Cherokee Nation? A Yes sir.

Q About when was it? A As near as I can remember it was in the fall of '67, long in hay time, when he was putting up hay.

Q Where at? A Big Creek, Cherokee Nation.

Q Was he living there then? A No sir just come and looked after a location to make him a home.

Q That was the first time you saw him after the war? A Yes sir.

Q Do you know when he first came back? A No sir.

Q That was in the fall of '67 that you saw him? A Yes sir, that was when he come up there where he was.

Q He came where you were? A Yes sir.

Q Who was with him when you saw him? A I dont remember, several of us were living there.

Q He came to where you were living did he? A Yes sir.

Q That was on Big creek? A Yes sir.

Applicant re-called and examined by W. W. Hastings:

Q I want to know as near as possible how far from the old Hudson place you returned to in the spring of '66--as near as you can give it? A Them things is pretty hard for me to get at, old man as I is, traveling around and with no education. Seems to me creek runs round to the south west---

Q I mean where you first stoped from the old home place? A Must have been a little south west of the old place.

Q About how many miles? A Must have been 8 or 10 miles or 12.

Q Did you go to the old home place? A I did once to the old home place after I come down to Cabin.

Peter Hudson 9.

Q Didn't you go there where the old place was when you were ~~xxx~~
living there those eight months? A No sir.
Q Did you see Jim Odrain there? A No sir.
Q Dont you know if your old master was there then or not? A No
sir they wasn't.

By Com'r Needles,-

Peter Hudson applies for himself; he is not identified on the authenticated roll of 1880 or the census roll of 1896; he is duly identified on the Kern Clifton and Wallace rolls; He avers that he was a slave of a Cherokee citizen named Hudson and that he returned to the Cherokee Nation in 1866; said Peter Hudson will be listed for enrollment as a Cherokee Freedman on a doubtful card awaiting the further consideration of the Commission, and when the final decision is arrived at he will be notified of the same by mail.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the forgoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 19th of June, 1901 at
Nowata, I. T.

T. B. Needles,

Commissioner.

Supl. C. F. D.#604.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
PETER HUDSON as a Cherokee Freedman, introduced on part of the
Cherokee Nation:

Appearances:

Mellette & Smith, Vinita I. T., Attorney for Applicants;
W. W. Hastings, Cherokee Representative.

J. W. SCHRIMSHER, being duly sworn, testified as follows on
part of the Cherokee Nation:

ME. HASTINGS:

- Q What is your name? A J. W. Schrimsher.
Q What is your age? A About 51.
Q Your post office? A Wagoner.
Q Where did you live before the war? A Lived on Big Cabin, near
Vinita.
Q Near where the town of Vinita now is? A Yes, sir, about ten
miles north.
Q Did you live there during the war? A No, sir.
Q When did you come back after the war? A Come back in '66.
Q What time? A Along in the first of the fall or latter part of
the summer.
Q Latter part of the summer? A Yes, sir.
Q Did you come back to the old place? A Yes, sir.
Q How long did you live there? A I was there about a year after
I came back and left there again.
Q What did you do during that year? A I came back with my uncle
Lee Schrimsher, our uncle, and he brought back right smart of stock
with him and I was looking after his stock around; outside work.
Q Have any occasion to ride around over the prairie? A Yes, sir;
right smart looking after the stock, up and down creeks, more or
less.
Q Did you know of any colored family near the Schrimsher place
that camped there during the winter of '66? A No, sir, not at all.
Q Did you see any colored family camping around there at all that
winter? A None at all, during the time I was there.
Q You say you hearded cattle about over the prairie? A Yes, sir.
Q What kind of country is that; is it timbered country or prairie
country? A It is mostly prairie; Big Cabin is a small creek.
Q Fordible creek? A Yes, sir, and the west prong of Big Cabin,
that is there more or less west of where I live.
Q Timber fringe the creeks there? A Yes, sir; not a great deal,
of timber.
Q Well, away from the Creek it is all prairie? A Yes, sir, it is
25 miles across to the Verdigris, all prairie.
Q There is no timber except up and down the creek?
A Yes sir.
Q I believe you stated there was not very much of that?
A No, sir, Well, right smart on Big Cabin.
Q Mr. Schrimsher, could a colored family of three or four colored
men have camped there then two or three miles of that place and
remained there a whole of the winter, four or five months, winter of
'66, and you not have seen them with the opportunity you had of
knowing it and riding around as you say over the country, prairie?
A I don't think they could.

Q Do you know this applicant, Peter Hudson? A No, sir, I am not acquainted with him.

MR. MELLETTE:

Q How old were you in 1866? A I suppose I must have been 15 or 17 years old.

Q When were you born what year were you born? A 1849.

Q Well, that has been a good while ago? A Been good long while ago.

Q How many years has it been since '66? A You will have to count that up.

Q I wanted you to count it up? A '66, ten '76, ten is '96, '86, '96, be 36 years.

Q And you came there in 1866, did you? A Yes, sir.

Q How did you know that? A It was said at that day to be '66.

Q Somebody told you it was 1866? A Yes, sir.

Q Now, dont you know it is impossible for anybody to remember back that they came to the Nation in 1866, according to what the representative of the Cherokee Nation says? A I don't know.

Q You were a boy 15 or 16 years old? A Yes, sir.

Q And you came here in 1866? A Yes, sir.

Q Positive of it? A Yes, sir.

Q And you remember 35 years ago there was not any colored people in the country? A I didn't say in the country; around near there.

Q Will, you swear that there was not a colored man in there close to the Schrimsher place? A They might have come there and I might not have seen them; I could not swear they was there.

Q But you will swear you didn't see them? A Yes, sir.

Q You will not swear old Peter Hudson was not there in 1866?

A No, sir.

Q Now, do you think if you had seen an old man 35 years ago and you hadn't thought of it, do you think you could remember?

A I don't know.

Q Can you remember every man you saw 35 years ago? A No, sir.

Q Could you remember if you had seen a colored man there 35 years ago? A I might and might not, it depends on circumstances.

Q You might have seen a colored man there and not remember?

A It would be possible.

Q 35 years ago is a long time? A Pretty good time.

Q How many cattle did you have there? A I suppose three or four five hundred head.

Q There is a good deal of difference between three or four or five hundred head; how many did you have? A I can't remember.

Q Can't remember the number of head; how many cattle did you have?

A I don't remember.

Q Were you doing most of the herding? A Yes, sir.

MR. HASTINGS:

Q Do you think if a man camped three or four months there during 1866, do you think you could remember it up to now?

A Well, if a man camped there when there was no one on the creek except one or two families, it looks like he would have shown himself where I was; I don't remember seeing him.

Commission: This testimony will also be filed with Cherokee Freedman case No. D.605.

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony had in this case on above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson,
Stenographer.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this 31st day of July, 1902.

Bruce Jones

Notary Public.

F. D. 791.

to be filed with F. D. 404.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. T. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December 31, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 20, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started to chase the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and P. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and P. F. Hepler had a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Gullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me if there was any flour in the house, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry [unclear], sworn - Saturday evening, heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired, Mackey came to my door; asked me if his wife was there; told him no, and seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone ran down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat when Mackey wore when he came to my house, at his house afterwards. I do not know whether he had any revolver then or not. He had a pocket watch one, have seen him have one several times. I did not see any flour on his coat. It was a navy revolver with a small cartridge. He also had a gun; didn't see that till the next night. When Mackey came to my house he went to his house, and I heard and heard him going down town whistling. I saw a sack of flour of flour at the edge of the creek; looked at it from the bank. Was found about twenty yards from Mackey's house. I saw a man with a revolver of [unclear] the day before Hayford was killed.

T. G. H. Evans, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick, and I went to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard some distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to [unclear] with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to [unclear] and learned that a sack of flour had been stolen. I did not see whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard [unclear] and didn't answer. Didn't see Mackey again until Mr. Jones [unclear] and brought him up to town. When I saw Mackey at [unclear] on a soldier's frock coat; he had a revolver on his hip; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at [unclear] and heard a shot fired, and soon after heard a man halloo; ran out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself ran down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their indignation, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be pure Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 29th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stopped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at 10 o'clock, Monday, the Cherokee Nation, 25 men attempted to arrest him. The account of his desperation. The colored people, who were so terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and order of the community and to the best interests of society. We have always found that nothing but the most extraordinary could justify it, but we believe in this instance that means were justified. It is very regrettable that this desperado was allowed to live, and that the lives of good citizens. We learn that the house he occupied was struck down to the ground. The sufferers from their attack were arrested, and were among the best of our young men. The police force of this city they have performed their duty admirably. Generous and brave to a fault, the death of one of their number to another creates a spirit of sadness that cannot be articulated.

The body of Mr. Coe was brought into the city on Friday, and a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Lecker and Harry Vann - on the brother who harbored the rangers and the other charged with furnishing provisions and ammunition to the rangers, to the ravine near the poorhouse and there they were found their lifeless bodies were found next morning. Some of the men who were there that few in the city except those who were there at the time of the murder the next morning.

Benjamin Files, being first duly sworn, deposes that he is a resident of

Q. What is your name? A. Benjamin Files.

Q. What is your postoffice? A. Fort Scott.

Q. Where is Kansas, yes, sir.

Q. Were you living there at the close of the war? A. Yes, sir.

Q. Were you living there in '66, December? A. I have lived there ever since '62.

Q. Do you know Dyer Hayford? A. Yes, sir.

Q. Do you know him before December '66. A. Yes sir. I had known him in the neighborhood of two years before that and knew him up until that time.

Q. How was he killed? A. He was killed at Fort Scott.

Q. How was he killed in the town? A. He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city, just about the brink of the hill.

Q. About what time of the day was he killed? A. He was killed just after dark, just dark.

Q. Do you know who killed him, who was said to have killed him, who was accused of killing him? A. Yes, sir.

Q. Who? A. Eli Mackey.

Q. Was he a colored man? A. Yes sir, he was.

Q. Did you assist in his arrest? Yes, sir.

Q. How did you arrest him? Myself and a man we called Leason. Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '67? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q In all that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or places or anything of that kind been searched in the near time? A No, sir, there was no knowledge.

Q People don't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A You mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A In '66 the killing was done.

Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-316, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed. This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Renter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip G. Renter
Notary Public.

COPY.
217

F19404

IN RE
Application for Enrollment of
INFANT CHILD

Red Liberty
as a citizen of

Cherokee

Nation.

Approved April 30 1902

W. D. Cobden

Commissioner.

FILED

APR 30 1902

W. D. Cobden

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the *Cherokee* Nation,
of *Neil Alberty* (Here insert name of child), born on the *30* day of *Oct*, 1901
Name of Father, *Andrew Alberty*, a citizen of the *Cherokee* Nation.
Name of Mother, *Lizzie Alberty*, a citizen of the *Cherokee* Nation.
Postoffice *Centalia, I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Comanche DISTRICT.

I, *Lizzie Alberty*, on oath state that I am *33*
years of age and a citizen by *Birth* of the *Cherokee* Nation;
that I am the lawful wife of *Andrew Alberty*, who is a citizen, by
Birth of the *Cherokee* Nation, that a *Male* child was
born to me on *30* day of *Oct*, 1901; that said child has been named
Ned Alberty, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two)
Witnesses



Subscribed and sworn to before me this *13* day of *Mar*, 190*2*
J. W. Blair
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

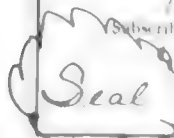
UNITED STATES OF AMERICA, INDIAN TERRITORY,
Comanche DISTRICT.

I, *Elizabeth Meigs*, a *midwife*, on oath state that I
attended on Mrs. *Lizzie Alberty*, wife of *Andrew Alberty*,
on the *30* day of *Oct*, 1901, that there was born to her on said date a *Male*
child, that said child was living March 4, 1905, and is said to have been named
Ned Alberty.

WITNESSES TO MARK.

(Must be Two)
Witnesses

M. P. Cudde
J. B. Montgomery



Subscribed and sworn to before me this *13* day of *March*, 190*2*
J. W. Blair
Notary Public.

J. D. Wood

COPY.
217

IN RE
Application for Enrollment of
INFANT CHILD

Ernie Newby

as a citizen of

Canada

Nation.

Approved *April 6 1902*

J. D. Wood

Commissioner

[Faint, illegible handwritten notes]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the *Cherokee* Nation,
of *Dolly Alberty*, born on the *19th* day of *May*, 1900
(Here insert name of child)
Name of Father: *Andrew Alberty*, a citizen of the *Cherokee* Nation.
Name of Mother: *Lizzie Alberty*, a citizen of the *Cherokee* Nation.
Postoffice: *Centralia, I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }
I, *Lizzie Alberty*, on oath state that I am *34*
years of age and a citizen by *Adoption* of the *Cherokee* Nation;
that I am the lawful wife of *Andrew Alberty*, who is a citizen, by
Adoption of the *Cherokee* Nation; that a *Female* child was
(Male or Female)
born to me on *19th* day of *May*, 1900, that said child has been named
Dolly Alberty, and was living March 4, 1905.

WITNESSES TO MARK:

Lizzie Alberty

(Must be Two Witnesses)

Seal

Subscribed and sworn to before me this *26* day of *Apr.*, 190*2*
J.W. Blair
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }
I, *Elizabeth Mayo*, a *midwife*, on oath state that I
attended on Mrs. *Lizzie Alberty*, wife of *Andrew Alberty*,
on the *19th* day of *May*, 1900, that there was born to her on said date a *Female*
(Male or Female)
child, that said child was living March 4, 1905, and is said to have been named *Dolly Alberty*.

WITNESSES TO MARK:

Elizabeth Mayo

(Must be Two Witnesses)

Seal

Subscribed and sworn to before me this *26* day of *Apr.*, 190*2*
J.W. Blair
Notary Public.

GR. 404

COPY.
27.

IN RE
Application for Enrollment of
INFANT CHILD

Ben & Liberty

as a citizen of

Cherokee

Nation.

Approved *April 30* 1902

T. B. ...

Commissioner

RECORDED
APR 30
[Signature]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

Cherokee Nation,

of *Ben Alberty* (Here insert name of child), born on the

8th day of *March*, 1898

Name of Father: *Andrew*

a citizen of the *Cherokee* Nation.

Name of Mother: *Lizzie Alberty*

a citizen of the *Cherokee* Nation.

Postoffice

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }

Northern DISTRICT. }

I, *Lizzie Alberty*, on oath state that I am *34*

years of age and a citizen by *Adoption* of the *Cherokee* Nation;

that I am the lawful wife of *Andrew Alberty*, who is a citizen, by

Adoption of the *Cherokee* Nation; that a *Male* child was

born to me on *8th* day of *March*, 1898, that said child has been named

Ben Alberty, and was living March 4, 1905.

Lizzie Alberty

WITNESSES TO MARK:

(Must be Two Witnesses) }



Subscribed and sworn to before me this *26* day of *April*, 190*5*

J. M. Blair, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }

Northern DISTRICT. }

I, *Elizabeth Megs*, on oath state that I

attended on Mrs. *Lizzie Alberty*, wife of *Andrew Alberty*,

on the *8th* day of *March*, 1898, that there was born to her on said date a *Male*

child, that said child was living March 4, 1905, and is said to have been named

Ben Alberty
Elizabeth Megs

WITNESSES TO MARK:

(Must be Two Witnesses) }



Subscribed and sworn to before me this *26* day of *Apr.*, 190*5*

J. M. Blair, Notary Public.

NO. *47 D 403*

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy
of the within notice to

on the _____ day of _____, A. D. 190*2*

Subscribed and sworn to before me this

Notary Public

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice

on this the *27* day of *May* 190*2*
Archie Brown
Attorney for Applicant

I the undersigned agent for the within named
applicant, hereby accept service of the within notice

on this the *7* day of _____ 190*2*

Agent for Applicant

NOTICE.

In the Matter of the application of **Andrew Alberty**
for enrollment as Cherokee citizens:

To **Andrew Alberty, or L. T. Brown Agent.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May 31st** ... A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this

MAY 23 1902

No. F. D. 403.

W. W. Hastings
Jas. Sawinforth

R. Bell

Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Northern District. 98

Nelson Lowrey of lawful age being first duly sworn on oath deposes and says that on the 21st day of May A. D. 1902 he mailed a registered letter to Andrew Alberty at Centralia I. T. and that inclosed in said registered envelope was a notice, a true copy of which is hereto attached and he attaches hereto the registry receipt from the post Master at Muskogee I. T. and also he receipt on the 22nd day of May A. D. 1902 the registry return receipt sign by the said Andrew Alberty showing that the notice was duly received; which said Registry return receipt is hereto attached.

Nelson Lowrey

Subscribed and sworn to before me this 26th day of May 1902.

J. Starr
Notary Public.

3rd Term.

My Commission expires May 22nd 1906.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

~~APR 8~~ 1902

W. H. ...

[Handwritten scribble]

...

Reg May 21.

NOTICE.

In the Matter of the application of **Andrew Alberty**
for enrollment as Cherokee citizens:

To **Andrew Alberty,**

You are hereby notified that **Centralia, I. T.** the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May 27th**, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this

MAY 20 1902

No. **F. D. 403.**

W. W. Hastings
L. B. Bell
Attorneys for the Cherokee Nation.

F. D-404.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Andrew Alberty for the enrollment of himself, wife and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-404.

APPEARANCES:

Lewis T. Brown for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the testimony of Reuben Sanders, together with all the testimony introduced by the Cherokee Nation in the case of F. D-391, also the testimony introduced by the Cherokee Nation in the case of F. D-604, be introduced and made a part of the record in this case.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with and the testimony filed and made a part of the record in the case of Andrew Alberty.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the foregoing case, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 7th day of July, 1902.

Leah

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen	D-300
Chlera Grayson, et al.,.....	Cherokee Freedmen	D-407
Aaron Webber,.....	Cherokee Freedmen	D-418
Elizabeth Weigs,.....	Cherokee Freedmen	D-421
George Weigs, Sr., et al.,.....	Cherokee Freedmen	D-424
John Weigs,.....	Cherokee Freedmen	D-426
Fleming Weigs,.....	Cherokee Freedmen	D-428
Irene Wanks, et al.,.....	Cherokee Freedmen	D-431
Hattie Carrell, et al.,.....	Cherokee Freedmen	D-432
Andrew Albert, et al.,.....	Cherokee Freedmen	D-434
Harriett Webber, et al.,.....	Cherokee Freedmen	D-437
Jesse Webber,.....	Cherokee Freedmen	D-438
Wesley Webber,.....	Cherokee Freedmen	D-439
Edward N. Webber,.....	Cherokee Freedmen	D-440
Samuel Beck, et al.,.....	Cherokee Freedmen	D-442
Edward Wright,.....	Cherokee Freedmen	D-443
John Wright,.....	Cherokee Freedmen	D-444

EXHIBIT.

The record herein showing applications for enrollment as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his wife, Chlera Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Weigs, for herself; by George Weigs, Sr., for himself, his wife, Hattie Weigs, and minor son, George Weigs, Sr. (Hattie Weigs is differently classified and is not embraced in this decision); by John Weigs for himself; by Fleming Weigs, for himself; by Irene Wanks, for herself and minor child, Flora Wanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flenon Wanks; by Hattie Carrell, for herself, her sister, Mattie Weigs, and brothers, Nathan and Henry T. Weigs; by Elizabeth Albert, for herself, her husband, Andrew Albert, and minor children, Mattie, Charity, Nellie, Ben and Dolly Albert; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Andrew Albert; by Harriett Webber, for herself and minor child, Millie W., and her ward, Mattie Webber; by Jesse Webber, for himself; by Wesley Webber, for himself; by Edward N. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Inquittie; by Edward Wright, for himself; and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Weigs, now deceased, husband of Elizabeth Weigs, Moses Webber, Sr., father of Aaron Webber, George Weigs, Sr., Chiora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that during said War they were taken to the Cherokee Nation.

Said Joe Ross, Peter Weigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Sarah Webb, are children of said Elizabeth and Peter Weigs, and, with the exception of the said Elizabeth Alberty, who was born since 1866, are minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as a Cherokee. Moses Webber, Wesley Webb and Edward L. Webber are children of said Sarah Webb, and have all been born since 1866.

George Weigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and has since that time.

John Weigs, Fleming Weigs and Irene Wanks have been born since 1866, and are children of, and claim descent to, enroll and through, the said George Weigs, Sr. The names of the said George Weigs, Sr., John Weigs, Fleming Weigs and Irene Wanks, are not found on the 1860 authenticated roll of the Cherokee Nation.

Chiora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1860 authenticated roll of the Cherokee Nation. Her minor child, George, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 1, 1867. His name is not found on the 1860 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established his residence therein in 1866.

Rattle Carrell, Rattle Weigs, and Simon Weigs, have been born since 1866, and are the children of one Simon Weigs, and claim their rights to enrollment from him. The evidence does not show that the said Simon Weigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, and was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Weigs, Rattle Carrell, and Rattle Weigs and Henry T. Weigs, are not found on the 1860 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1860 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

... Webber, included in the April period of ...
Webber, in the ... of Jess ...
not ... of the said Jess ...
... of their ...
... slaves of ... citizens, or free colored persons
residing in the Cherokee Nation at the beginning of the year of the
insurrection. The names of said ... Webber, Jess ... and ...
... are not found on the land ... roll of the Cherokee
Nation.

The evidence further shows that Joe Ross, Elizabeth ...
Andrew Alberty, Mary Beck, Harriett Weber and Edward Wright have
resided in the Cherokee Nation continuously since their return there-
to, as a free nation; that all the applicants herein, ... since
1865, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that
Aaron Webber, having been born into slavery, should be enrolled as a
Cherokee Freedman, and that Joe Ross, Elizabeth ... Andrew Al-
berty, Lizie Alberty, Mattie Alberty, Charity Alberty, Ollie Al-
berty, Ben Alberty, Doll Alberty, Ed Albert, Harriett Webber,
Billie ... Webber, Joseph ... Edward Wright, ...
Mary Beck, Elizabeth ... Edward Wright and John Wright should also
be enrolled as Cherokee Freedmen, in accordance with the provisions
of Section twenty-one of the Act of Congress approved ... 1898
(30 Stats., 456); it is further the opinion of this Commission that
the applications for the enrollment of George ...
Walter, Jr., John ... Fleming ... Mattie Carroll, ...
Nathan ... Henry T. ... Isaac ... George ... Elmer
Wanks, Chloer ... Bertrude ... Mattie ... and Samuel
Beck, should be denied, under the provisions of said Section twenty-
one of the Act of Congress above cited, and it is so ordered.

COMMISSIONERS OF THE CHEROKEE NATION

(SIGNED)

... Indian Territory ...
this JUL 10 1898

C. M. McR.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the application of ----

Joe Ross,	Cherokee Freedmen D-350,
Chlora Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber,	Cherokee Freedmen D-216,
Elizabeth Meigs,	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward M. Webber,	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick,	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr., (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flamon Hanks; by Hattie Carell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Mollie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein; was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie M. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward M. Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlora Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlora Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lizzie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen-D-818, appeared before the Commission at Tablequash, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlora Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr., returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward N. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Meigs, Jr. John Meigs, Flemings Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, Nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Plemen Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedman except through their said mother.

Mattie Carell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Weisz, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Mattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Clora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Mose Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Mattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Clora Grayson, Elizabeth Weisz, George Weisz, Sr., George Weisz, Jr., John Weisz, Flemings Weisz, Irene Hanks, George Hanks, Flemon Hanks, Mattie Carell, Katie Weisz, Nathan Weisz, Henry T. Weisz, Harriet Webber, Willie V. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

TAMM DIXBY.

Chairman.

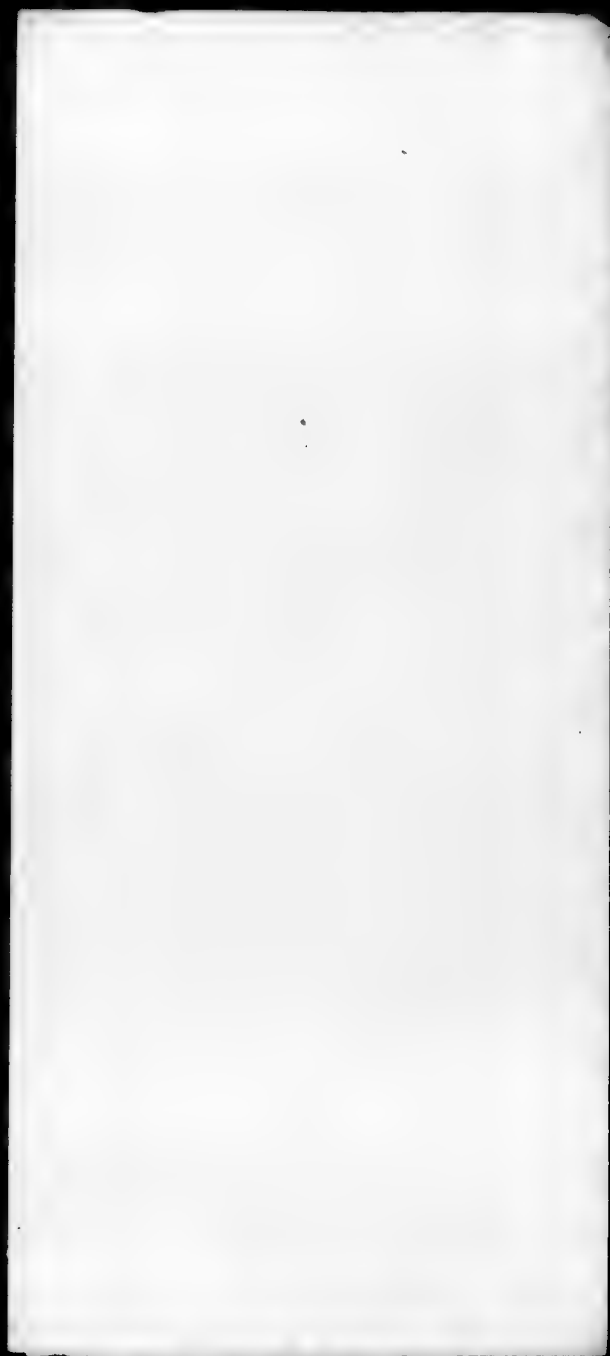
T. B. NEEDLES

Commissioner.

C. R. BRECKINRIDGE.

Commissioner.

Dated Muskogee, Indian Territory,
this APR. 17, 1905.



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Andrew Alberty,
Centralia, I.T.
Cher. No. 1-2-404
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,

Commissioners.

(C O P Y)

Refer in reply to
the following
Cherokee F-D-404

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 19, 1902.

Mr. Andrew Alberty,
Centralia, Indian Territory.

Dear Sir:-

When you applied to this Commission for the enrollment of yourself and family as Cherokee freedmen, you gave the name of your wife as Elizabeth Alberty, while in the affidavit received by the Commission as to the birth of your child Ned Alberty, it is noticed that she signs her name as Lizzie Alberty.

Will you please advise the Commission which is her correct name and how she desires to be listed for enrollment as a freedman citizen of the Cherokee Nation.

Yours truly,

(Signed) T.B.Needles,

Commissioner in Charge.

Centralia I.T. 3 - 29, 02

In reply to above inquiry will say I want my name

Lizzie Alberty.

ENDORSEMENT: COMMISSION TO FIVE TRIBES, No.5068 - 1902.
Received APR 1 1902

COMMIS-
HENRY C. DAVIS
JAMES HIBBY
THOMAS B. NEEDLE
W. GREENBERG
W. H. ...
...

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee F-D-404.

Muskogee, Indian Territory, April 3, 1902.

Mrs. Lizzie Alberty,
Centralia, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of March 29, stating that you desire to be listed for enrollment as a freedman citizen of the Cherokee Nation under the name of Lizzie Alberty, the name by which you signed the affidavit as to the birth of your child Ned Alberty.

This affidavit is herewith returned to you and it is suggested that you sign same as Elizabeth Alberty as you have heretofore signed affidavits as to the births of your children Ben Alberty and Dolly Alberty by this name. If, however, you insist on having your name appear as Lizzie Alberty, you can return this affidavit and the affidavits heretofore filed as to your other children can be returned to you for correction. Please give this matter your prompt attention.

Yours truly,

Commissioner in Charge.

Encl. B-7

Cherokee F-D-404.

Muskogee, Indian Territory, April 17, 1902.

Mrs. Lizzie Alberty,
Centralia, Indian Territory,

Dear Madam:-

Receipt is hereby acknowledged of your letter bearing date of April 12, returning the affidavit in the matter of the application of your son Ned Alberty, to be enrolled as a Cherokee Freedman and stating that you desire to be listed for enrollment as Lizzie Alberty instead of Elizabeth Alberty.

The affidavits as to the births of your children Ben Alberty and Dolly Alberty heretofore received and in which your name appears as Elizabeth Alberty are returned to you herewith. It will be necessary that you have new affidavits executed as to the births of these two children and that your name appear therein as Lizzie Alberty instead of Elizabeth Alberty.

Please give this matter your prompt attention.

Yours truly,

Acting Chairman.

Encl. B-152.

Cherokee Freedmen
D-350 &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Harriett, Millie H., Moses, Wesley and Edward W. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Hattie Carroll, Katie, Nathan and Henry T. Meigs, Irene, George and Flenon Manks, Chlora and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. H-22.

Commissioner in Charge.

Cherokee Freedmen
D-404

0-0-0
 Muskogee, Indian Territory, August 17, 1903

Andrew Alberty,
Centralia, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself, your wife, Lizzie Alberty, and your six minor children, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. B-105

Register.

Cherokee Freedmen
-350 et al.

Muskege, Indian Territory, August 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 18, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Seins, Andrew, Lizzie, Mattie, Charity, Hollie, Len, Polly and Ned Alberty, Harriett and Willie M. Webber, Moses, Wesley and Edward L. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Seigs, Sr., George Seins, Sr., John and Elizabeth Seins, Attie Sarah, Katie, Nathan and Mary T. Seins, Irene, Rebecca and Elmon Banks, Chloa and Gertrude Brown, Mattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

-2-

men enrollment, which he desires to be considered in connection
with the case.

Respectfully,

to instance in a case.

Through the
Commissioner of Internal Affairs.

Enc. -113

Cherokee T.D-77b
401-24-7-30-3-4-
1

Muskogee, Indian Territory, August 17, 1903.

Louis F. Brown,

Agent for Mary Beck et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross et al., granting, among others, the applications for the enrollment of Mary and Luquittie Beck, Harriett and Willie W. Webber, Elizabeth Weigs, Andrew, Lizzie, Mattie, Charity, Mollie, Ben, Dollie and Ted Alberty, and rejecting the applications for the enrollment of Samuel Beck, Mattie Webber, Mattie Carell, Katie, Nathan and Henry T. Weigs, Irene, George and Elenon Wanks, Fleming and John Weigs, George Weigs Sr., and George Weigs Jr., as Cherokee freedmen. You have therefore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record or proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

No. 1-90
Register.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Land 53558, 1903.
56859-1903.
61805-1903.

A.C.T.
Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Brannon, et al., parties applicants to the Joe Ross, et al. case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.
Commissioner.
A.C.T.

G.A.T.→L.T.

COPY.

Cherokee Freedmen

D-407, et al.,

Muskogee, Indian Territory, April 17, 1906.

Louis T. Brown,

Attorney for Harriet Webber, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the applications for the enrollment of Harriet, Willie K. and Mattie Webber, Mattie Carrell, Katie, Nathan, Henry T., Flemings, John, Elizabeth, George Sr. and George Waigs Jr., Irene, George and Fleson Henke, and granting, among others, the application for the enrollment of Andrew, Lizzie, Mattie, Charity, Mollie, Ben, Dollie and Ned Alberty, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 2-61
Register.

(SIGNED) *Tams Dixby*
Chairman.

COPY.

Cherokee Freedmen
P-350, et al.

Muskogee, Indian Territory, April 17, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andres, Lizzie, Mattie, Charity, Mollie, Ben, Bellie and Ted Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chloera Grayson, Elizabeth, George Sr., George Jr., John and Flemings Nelson, Irene, George and Flemon Banks, Mattie Carrell, Estie, Nathan and Henry T. Feigs, Harriet, Millie M., Mattie, Moses, Wesley and Edward M. Webber, Mary Beck, Edward Herrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Dixie*
Chairman.

Incl. 8-63.

COPY.

Cherokee Freedmen
D-350, et al.

Muskogee, Indian Territory, April 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Gertrude Crayson, Aaron Veber, Andree, Livvie, Mattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chloee Crayson, Elizabeth, George Sr., George Jr., John and Flossings Meigs, Irene, George and Elmon Marks, Mattie Carrell, Katie, Nathan and Perry T. Meigs, Harriet, Willie M., Mattie, Moses, Wesley and Edward T. Veber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

SIGNED: *Tams Bixby.*
Chairman.

Incl. 2-66

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-404.

Muskogee, Indian Territory, April 17, 1905.

Andrew Alberty,

Centralia, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting, among others, the application for the enrollment of yourself, your wife, Lizzie Alberty, and your minor children, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Incl. 9-42.
Register.

C O P Y .

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

Land.
30769-1905.
43223-1905.
44630-1905.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister Chlora Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flemon Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward N. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Flemings Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flemon Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carrell, Katie, Nathan and Henry T. Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I. T. D. 7538-1905.

8884- "

8900- "

June 25, 1906.

L. R. S.

Commissioner to the Five Civilized Tribes,
- Muskogee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlora Grayson et al., Aaron Webber, Elizabeth Meigs, George Meigs, Sr, et al., John Meigs, Flemings Meigs, Irene Hanks et al., Hattie Carell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward N. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Hattie Carell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward N. Webber, Harriett Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlora Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriett Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Cherokee Freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Decision of the Commission to the Five Civilized Tribes dated April 27, 1905, granting the applications for the enrollment of Joe Sore, et al., and rejecting the applications for the enrollment of Chlorea Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 28, 1906, and that the motion filed September 5, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental Decision referred to.

Respectfully,

Commissioner.

Incl. P-7
WHP

Cherokee Freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,

Attorney for Joe Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7
MG/P

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 5, 1906.

Blue & Bulger,
Attorneys for Joe Ross, et al.,
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-6
MMP

Commissioner.

Cherokee freed-
man D. 404

Muskogee, Indian Territory, July 6, 1906.

Andrew Alberty,
Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting, among others, your application for the enrollment of yourself, your wife, Lizzie Alberty, and children, Hattie, Charity, Follie, Ben, Dollie and Ned Alberty, as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

You are further advised that you will not be permitted to make allotment selections for yourself and family until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

MMP

Commissioner.

Registered Letter

7683

Post Office

1909

Cher Fr 1527

Trans. from Cher Fr D 216

Cher Fr 1527

7122

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 35 I think.
- Q What is your post office address? A Wyner, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes sir, the Clifton Court and the Wallace Court.
- Q Do you apply to any other Nation, the Creeks? A No, sir.
- Q Have you ever drawn any money from any other Nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Wledsoe has got here; I come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your stipend payment money? A Yes, sir.
- Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Tatie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1866? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. F. F. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time? A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Aaron Webber - 2.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you first located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Weigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '86 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here in March after the treaty was adopted; you don't know what month in 1833 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and the Hare

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 58, somewhere near about that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1830 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Tackle Webber.

Q Was he a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A I. 1833.

Q He was a slave like you? A Yes, sir, same as me, with the same name.

Q Ought to be entitled to the same right you have got? A Yes, sir, same as me, same as you, same as the same party too.

Mr. Hastings: What time of the year was it you say you brought him back? A He came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A Yes, sir, right in the same month the treaty was made in because we overtook the delegates

Aaron Webber - 3.

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to wait find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went on and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1860, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Tatie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yank-ees neither one.

Q Where was Aaron Webber during the war? A He was with his father up in Kansas.

Q What did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Aaron Webber - 4.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerne-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of May, 1901.

A. M. ...

Commissioner.

W
B. 1. 1. 1. 1. 1.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
1911
1901

[Handwritten scribble]

U. S. GOVERNMENT

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

May 9, 1901

Post Office

Wynner St.

District

600

1. Name

Aaron Webber

Age 36

Owner's name

Amy Webber

Citizenship

Cherokee

Year

1860

Page

126

No.

3154

District

600

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

Mr. 1

Stenographer

B. Jones

216,
F. D. 211

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me
this day of A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 11 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1901


ACTING CHAIRMAN

2

72216

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 17 1901


AC - NG C - MAN

COMMISSIONERS:

HARRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON I. AYLESWORTH,
SECRETARY

Received Sept 17 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Reuben W. Allen for enrollment as
Freedmen of the Cherokee Nation.

No.

715 216

Reuben W. Allen
Agent in application.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Brack-
inridge, testified as follows for the Cherokee Nation:

(By the Commission)

Q Give me your full name? A Douglas Walker.

Q How old are you? A 50.

Q What is your post office? A Mound City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.

Q What was your father's name? A James Walker.

Q What was your mother's name? A Miama Walker.

Q Was your father and mother here the first of the month? A Yes sir

Q They testified in this matter at that time did they? A Yes sir.

Q Do you know Samuel Webber? A Yes sir.

Q Did you know his son Samuel Webber? A Yes sir.

Q Where did you know them? A Near Mound City, Kansas; in the neighbor-
hood where I live.

Q Do you know the applicant here, Joe Ross? A I knew him as Joe
Webber.

Q Is the the same fellow? (pointing) A Yes sir.

Q Where was he living at the time? A He lived with the older Sam
Webber at the time.

Q You know this applicant here is the same party? A Yes sir.

Q Did you know a woman named Chlora? A Yes sir.

Q What relation was she to Joe Ross? A Sister

Q Did you know Aaron Webber a little duck legged fellow? A Yes sir

Q Where did you know him? A In the same family in Mound City, Kansas
Linn County.

Q Whose farm did Samuel Webber live on, if you know? A He lived on
a farm that belonged to a man named Jeff Flemmings.

Q I mean in the year 1866? A My father bought the farm.

Q Of whom did he purchase the farm? A Of Flemmings.

Q Do you know where young Sam Webber was married? A He was married
there in Linn County, near Mound City, in the neighborhood there,
where I was living.

Q Did he marry before or after he moved from that country? A Before
he moved.

Q Mr. Walker, have you looked up the date of when your father
purchased that farm? A Yes sir.

Q The date of the deed? A Yes sir.

Q What was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but
have forgotten the exact date as to days.

Q At that time, where was Sam Webber living? A On this farm that
father purchased.

Q Where was young Sam living at the time he married? A On this farm
on the same place.

Q What is your best judgment as to the time Sam Webber, including
Joe Ross, Chlora Grayson and Aaron Webber left that country with
their women folks and come to this country? A According to my best
recollection it was the latter part of February or early in March
of '67, I can't state exactly the month; early in the spring of '67
though.

Q Did they all move town at the same time? A All started together.

Q Left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.

Q How did you know it? A I recognized his countenance as one man knows another.

Q How? A Well I saw him.

Q When? A To day.

Q Where? A On the street.

Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.

Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.

Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.

Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some came earlier, and I remember again by this farm, I remember how long

they farmed it before we got it.

Q How long? A Three years—four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here—started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so—I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came t here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.

- Q Are you testifying to the best of your recollection? A Yes sir.
- Q Do you remember of Sam Webber Jr. bringing any hides to that country?
- A Yes sir.
- Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
- Q To refresh your memory, was it not in March? A March when?
- Q '66? A No sir.
- Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
- Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
- Q Do you remember of Sam Webber selling out a crop up here? A I dont
- ask Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.
- Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
- Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well hat was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
- Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
- Q What dates have you looked up? A The purchasing of this land.
- Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in he fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
- Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
- Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
- Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
- Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
- Q You didn't know then did you? A Yes sir after I thought it over.
- Q How long did it take you to think it over? A I dont exactly remember.
- Q Can't you give us some idea of it? A 2 or 3 weeks.
- Q Were you here when your father testified in this case? A Yes sir
- Q Did you know as much about it then as you do now? A No sir.
- Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
- Q What were you doing here then? A I was subpoenaed in another case.
- Q You had been talking about this case then? A Not much.
- Q How much? A A word or two.
- Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
- Q You went back to Kansas? A Yes sir.
- Q And came back here again to testify? A Yes sir.
- (By Hastings)
- Q You were subpoenaed by the Cherokee Nation? A Yes sir.
- (Continued by Stenographer J. O. Rosson)

Chas von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above case and that the foregoing is a true and complete transcript of his steno-

graphic notes therein.

W. C. ...

Subscribed and sworn to before me this the 9th of November, 1901.



Commissioner.

Joe Ross (sup'1) 6

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is one thing I have got you know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, in September 6, 1866.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I act now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes sir.

Q You say you knew young Sam Webber, the younger one of the two? A Yes sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '66.

Q You don't know what time in '65 they were there? A They were there before '65.

Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F. D-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rosson, and afterwards dictated by him to stenographer M.D. Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Henry C. Short.

Q How old are you, Mr. Short? A 48.

Q What is your post-office? A Mound City.

Q In the Cherokee Nation? A In Kansas.

BY MR. HASTINGS;

Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.

Q What was your father's name? A John Short.

Q Were you living there in the years '66 and '67? A Yes sir.

Q Were you living in town or in the country? A Living in the country.

Q Do you know Douglass Walker that left the stand? A Yes sir.

Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.

Q Do you know that young Sam Webber, his son? A Yes sir.

Q Do you know Joe Ross? A Yes sir.

Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.

Q Have you talked to him? A Just spoke to him.

Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.

Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.

Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.

Q Did you live on the same place in the fall of '66? A Yes sir.

Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.

Q Well now what time in the fall did you move into it? A Well now it was the last of October ~~xxxx~~ or the first of November, I wont say which; along about in them times I moved, that is, my folks moved; ~~xxxx~~ ~~xxxx~~ of course I was small, I moved there after that from the west part of the place to the east part of the place.

Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.

Q Were they living there when you moved? A That fall?

Q Yes sir? A They were living there then.

Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.

Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.

MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.

Commission: We will take it for what it is worth and let the Commission pass on it.

BY MR. HASTINGS:

Q That is your best judgment? A Yes sir.

Q That is your best recollection? A (No response.)

the fall.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come down I don't think.

Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not; I know Sam and the old man come back and got the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them there afterwards.

Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, and I think he told me he had his cabin built.

Q And now that final move when they took all the people out you think was in what time? A I don't know, but it runs in my mind as February or March; I wont say anything about that.

Q What year? A '67.

Q You say you wont say anything about that? A I don't know whether it was or was not.

Q You don't know whether it was or was not? A No sir, that is a fact; but it runs in my mind it was.

Q Where was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.

Q Well did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know it? A I got no way to fix it; that's my opinion he was there.

Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.

Q You can't state that positively? A No sir, not unless I got something to fix the date.

Q You wont say that? A No sir.

Q Now can you remember about Sam Webber coming ~~back in the~~ up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course then dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.

Q You didn't go off of that farm? A No sir, just moved from the west to the east side.

Q And you were a boy about 13 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.

Q How about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.

Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved, ever, remember that fact.

Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1865 did you? A No sir.

MR. SMITH: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.

Q That is your first recollection of them leaving? A . . . s sir.

MARY A. HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

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- Q Give your name, Madam? A Mary A. Hicks is the way I sign my name.
- Q How old are you? A If I live to the 21st of next month I will be 67 years old.
- Q What is your post-office? A Mantey.
- Q Is that in Kansas? A Yes sir.
- BY MR. HASTINGS:
- Q How far do you live from Wound City, Kansas, Mrs. Hicks? A I live six miles.
- Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
- Q You were living there then after the war? A Living there in the time of the war.
- Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
- Q Do you know Mr. Short that left the stand here? A Yes sir.
- Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
- Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
- Q Did you know his son, young Sam Webber? A Yes sir.
- Q Well did you know a little short one called Aaron Webber? A Yes sir.
- Q Did you know a boy called Joe Ross? A Yes sir.
- Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
- Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
- Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
- Q What was the date of it? A The date of the death?
- Q Yes, madam? A Well it was October.
- Q Did you make any record of it in your Bible? A Yes sir.
- Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
- Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
- Q You haven't got your specs? A No sir.
- Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.
- Q And under the column of deaths appears: "Died October 23, 1866"?
- A That is correct.
- Q Who was Franklin Hicks? A He was my son.
- Q Do you know where Sam Webber was when your son Franklin died?
- A No sir, I could not tell you.
- Q Don't know? A No I don't; you mean this Sam?
- Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
- Q Do you know where his wife was? A His wife died there.
- Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
- Q She was living? A Yes sir.
- Q Was she a member of this family? A Yes sir, she lived there with them.
- Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
- Q Did you know a sister of Joe's called Chloris? A Yes sir.
- Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, ~~xxx~~ what is your best recollection as to the time Sam Webber and his family, when he ~~was~~ ~~from~~ left Kansas with his family? A -

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 ~~xxxx~~ yards of them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q He had recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes sir.

Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I know.

Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam ~~was~~ ~~at~~ ~~work~~ worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.

Q Do you remember young Sam bringing some hides in to the community? A No sir, I didn't charge my mind with anything like that.

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Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March. You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I can't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way.

Q Where did you move from to this place that you live? A Where did I move from?

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the one right here, the black one? A Yes sir.

Q What is his name? A Joe ~~Ross~~ we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you knew up there in Kansas? A This Joe? I don't know, he says it is; he was nothing but a boy when I saw him.

Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.

Q You don't know where old man Sam Webber was in July '66 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after 'em but they didn't come down here in July.

Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You won't be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. EASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post-office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yessir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin? Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears what your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
A My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

- Q Fall of what year? A '66, and then came back.
- Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
- Q You are sure of that? A Yes sir.
- Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
- Q You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their claims.
- Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, ~~in there~~ either summer or fall.
- Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q Made a crop in '66? A '66.
- Q What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
- Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
- Q Where was he in January and February of '66? A January or February of '66, I can't say.
- Q Where was he in July of '66? A I don't know where.
- Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
- Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
- Q Where was the old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
- Q In 175 steps of you? A Yes sir.
- Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
- Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
- Q Who did? A These darkey boys, the Webber boys.
- Q Did what? A Trapper for the game that winter on the patch of cane where we had left the seed on the corn.
- Q That the winter that commence in December and ends in February, December, '66 and February of '67? A It was all in that winter of course.
- Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
- Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
- Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
- Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
- Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there then; that is, the family were, I don't re-

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- membe: so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
- Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
- Q When was that? A That was the first time they came down.
- Q When was it? A That was in '66.
- Q What month? A I don't know.
- Q Can you state within two months of the time? A No I don't know as I could.
- Q Can you remember that as well as you could the other time? A (No response.)
- Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
- Q What was it, sassafras roots? A Yes sir.
- Q That must have been in the spring? A I don't know.
- Q Well they don't make sassafras in the fall? A We used it for tea.
- Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
- Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
- Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
- Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
- Q No, who else was there? A Chlora was there.
- Q Well now name some other one, all you know that was there? A I don't know. I don't remember them, there was hardly any day but what they was there, some of them.
- Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
- Q You don't know? A No sir.
- Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
- Q All you know of? A Yes sir.
- Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
- Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
- Q Yes? A I don't know as it was, I suppose about the time.
- Q Well about when, do you know who wrote that? A I know who wrote that?
- Q That is what I am talking about? A This was drawn off from another Bible. think
- Q You don't know that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
- Q You don't know that this is in the same handwriting? A No sir, it is not.
- Q Now who wrote that date, October 23, 1866? A Park Nichols.
- Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.
- BY MR. HASTINGS:
- Q How long has this Bible been in your mother's possession? A I can't tell.
- Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
- Q It was in there long before any investigation came up wasn't it?

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A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A. HICKS, re-called for additional cross examination.
BY MR. SMITH:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I wont say sir.

Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case.? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedmen Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedmen doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

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given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

I, D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

D. Green

Subscribed and sworn to before me this November 16th, 1901.

Notary Public.

File with C.F. D-216, Aaron Webber.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C.F.D 350.

Appearances:
W. Hastings, for the Cherokee Nation.
Bellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 872, be made a part of the record in this case.

COMMISSIONER: It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedman D 496, of Chlora Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

Department of the Interior,
Commission to the Five Civilized Tribes,
~~Vinita, I.T., June 26, 1901.~~
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Bellette & Smith, attorneys for applicants;
W.W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Smith: What is your name? A. Sam Webber.
Q How old are you? A. About 18.
Q Where do you live? A. I live two miles west of here.
Q How long have you lived in the Cherokee Nation? A. I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A. Yes, sir.
Q Were you acquainted with him before the war? A. No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A. I got acquainted with him just after the war.
Q Where? A. Here in the Nation.
Q About what part of the Nation? A. He came to my house there on Big Creek in the Nation.
Q What time? A. Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A. No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A. He has been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A. I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.
Q Did you see him then after that at his sister's? A. I saw him then often and on for near about two years I guess.
Q Where? A. There at Lightning Creek.

- Q In the Cherokee Nation? A Yes, sir.
- Q Was he a married or a single man at that time? A He was a single man to my knowledge.
- Q Do you know where he is living now? A No, sir, I don't.
- Mr. Hastings: You saw him around here for about two years?
- A Yes, sir.
- Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
- Q How long after that? A Must have been six months or a year after that I met him again there.
- Q You know where he was married? A No, sir, I can't tell you.
- Q Was he married at that time? A If he was I didn't know it.
- Q Did you know his wife? A No, sir, I don't know his wife.
- Q Did you ever see his wife? A Not to know it was here.
- Q Was this man ever kept house to your knowing? A When I saw him he was to his sister's.
- Q What was her name? A Katie Thornton.
- Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
- Q What is his occupation? A I can't tell you.
- Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
- Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
- Q Has he got any special occupation like a carpenter? A Not as I know of.
- Q What is Katie Thornton's husband named? A Henry Thornton.
- Q Was that her husband at that time? A Yes, sir.
- Q With whom does this man stay now? A I don't know that.
- Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
- Q Did he have any children when you saw him? A I never seen them if he did.
- Q You don't know where his family were, if he had any? A No, sir.

San Webber, re-called, testified as follows:

- Mr. Hastings: Mr. Webber, when were you first married? A Then I first married, I married just a short while after the war, I don't remember what year.
- Q Before you came down here? A After I came down here.
- Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
- Q Well, you know what time of the year you were married? A I was married along in the winter.
- Q Was that the same winter you came, or the winter of '67? A It was along about, it thrown in '67, it was after Christmas.
- Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
- Q What was your wife named? A My wife at that time was Rinda Martin.
- Q When did you commence keeping house? A I went in my house when I first came there.
- Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
- Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
- Q And you don't remember when that was, that time of the year? A Along after Christmas, I was already in the house.

3

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D. Green

Subscribed and sworn to before me this November 16 1901.

J. J. [unclear]

Notary Public.

178
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross.....	Cherokee Freedmen	D-350
Chlora Grayson, et al.,.....	Cherokee Freedmen	D-496
Aaron Webber,.....	Cherokee Freedmen	D-216
Elizabeth Meigs,.....	Cherokee Freedmen	D-391
George Meigs, Sr., et al.,.....	Cherokee Freedmen	D-394
John Meigs,.....	Cherokee Freedmen	D-396
Flemings Meigs,.....	Cherokee Freedmen	D-398
Irene Hanks, et al.,.....	Cherokee Freedmen	D-401
Hattie Carell, et al.,.....	Cherokee Freedmen	D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen	D-404
Harriett Webber, et al.,.....	Cherokee Freedmen	D-407.
Moses Webber,.....	Cherokee Freedmen	D-408
Wesley Webber,.....	Cherokee Freedmen	D-409
Edward N. Webber,.....	Cherokee Freedmen	D-410
Samuel Beck, et al.,.....	Cherokee Freedmen	D-775
Edward Wright,.....	Cherokee Freedmen	D-818
John Wright,.....	Cherokee Freedmen	D-834

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chlora Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Elemon Hanks; by Hattie Carell, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Hattie, Charity, Mollie, Ben and Dolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Millie M., and her ward, Hattie Webber; by Moses Webber, for himself; by Wesley Webber, for himself; by Edward N. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Luquittie; by Edward Wright, for himself; and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chlora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion; and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward H. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Fleming Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Fleming Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Chlora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carell, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Roe. The evidence does not show that the said Jesse or Missie Roe, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Roe and Missie Roe are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Harriett Webber, Millicent Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Elemon Hanks, Chloira Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,
this JUL 10

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of ---

Joe Ross,	Cherokee Freedmen D-350,
Chlora Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber,	Cherokee Freedmen D-216,
Elisabeth Meigs,	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward H. Webber,	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick,	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elisabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr., (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flenon Hanks; by Hattie Carell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elisabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie M. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward H.

Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself, and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Calora Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Calora Grayson, et al.

The record herein shows that on April 1, 1904, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lizzie Alberty, and this will accordingly be considered in this decision under the last mentioned name. On June 1, 1904, the applicant in Cherokee Freedmen D-416, appeared before the Commission at Tallahassee, Indian Territory, and testified that his correct name was Edward Herrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Olen Crager, Aaron Webber, Elizabeth Weigs, Peter Weigs, now deceased, husband of Elizabeth Weigs, Sam Webber, Sr., George Weigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Weigs and Andrew Weigs, Sr. returned to the Cherokee Nation in the summer or fall of 1864 and located some distance from the public domain of the Cherokee Nation; they then returned to the State of Kansas with their families, and removed with them to the Territory of Oklahoma in the latter part of February or first of March, 1887. The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Weigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Weigs, Sr., another child of Peter and Elizabeth Weigs returned to the Cherokee Nation with his parents at the time above mentioned. Willie C. Webber, Moses Webber, Wesley Webber and Harriet C. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee citizen. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Mary Howe; it appears that the said Mary Howe was born since 1864, and is the daughter of one Jesse Howe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and whose record was removed by the Department on May 12, 1904. George Weigs, Jr., John Weigs, Fleming Weigs and Irene Hanks, are the children of George Weigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Weigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Vernon Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Hattie Carell, Katie Weigs, Nathan Weigs and Henry T. Weigs, have been born since 1866, and are the children of Simon Weigs and Fannie Weigs; the said Simon Weigs is the son of Peter and Elizabeth Weigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Weigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Weigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1867.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Clara Grayson returned to the Cherokee Nation at the time the Febbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Moses Whitmire, at the time the Whitmires and Febbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1867.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chlora Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approve June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNATURE)

Tams Blaby.

Chairman

(SIGNATURE)

T. B. Needles.

Commissioner

(SIGNATURE)

C. R. Brockmridge.

Commissioner

Dated at Muskogee, Indian Territory,

this

APR 17 1905



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Aaron Webber,
Wymer, I.T.
Cherokee F-D-216
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-380, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Hollie, Ben, Dollie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward W. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Hattie Carell, Katie, Nathan and Henry T. Meigs, Irene, George and Flemon Hanks, Chlora and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. H-29.

Commissioner in Charge.

Heretofore
- 1 -

Washington, D. C., August 10, 1900.

The
Secretary of the Interior.

Sir:

There is herewith transmitted the records of proceedings had in the consolidated case of Joe Jones et al., including the Commission's decision dated July 18, 1900, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Ross, Andrew, Lizzie, Mattie, Charit, Willie, Ben, Lilly and Ted Liberty, Harriett and Willie C. Barber, Ross, Jesse, and Edward J. Webber, and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Ross, Sr., George Ross, Jr., Tom and Leander Ross, Mattie Carroll, Katie, Nathan and Henry C. Meles, Irene, George and Elmon Banks, Clara and Gertrude Ferguson, Mattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee alien protests against the action of the Commission in these cases, a copy of which protest is enclosed.

With the rest of the returns for the title there are also enclosed two copies of his general brief in the Cherokee freed-

-2-

men enrollment, which he desires to have considered in connection with these cases.

Respectfully,

I. B. Needles
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-113

COPY.

Sherokee Indian
D-116

Miner, Indian Territory, August 17, 1903

Mr. Miner,

Miner, Indian Territory.

Your Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, upon appeal, your application for enrollment as a Cherokee Indian. There has heretofore been furnished your agent, F. R. Tompkins, Mineral, Indian Territory, a copy of the record of proceedings in this original application and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-109

Register.

COPY.

Cherokee Freedman
D-216

Muskogee, Indian Territory, August 17, 1903

J. H. Sequichie,
Agent for Aaron Webber,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the matter of the application of Aaron Webber for his enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, his said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc' 3-110
Register.

DEPARTMENT OF THE INTERIOR,

A.C.T.

Land
53358-1903.
56859-1903
61805-1903.

OFFICE OF INDIAN AFFAIRS,

Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al. case, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.
Commissioner.
A.C.T.

G.A.W.-L.C.

COPY

Cherokee Freedmen
D-360, et al.

Muskogee, Indian Territory, April 17, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chlora Grayson, Elizabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flemon Hanks, Hattie Carell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. 3-63.

COPY.

Cherokee Freedmen
D-250, et al.

Muskogee, Indian Territory, April 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1905, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chloera Grayson, Elizabeth, George Sr., George Jr., John and Fleninas Weigs, Irene, George and Flenon Hanks, Hattie Carell, Katie, Nathan and Henry T. Weigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Incl. 3-64

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-216.

Muskogee, Indian Territory, April 17, 1905.

Aaron Webber,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your former Agent J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame Dixby,
Chairman.

Incl. S-41.
Register.

C O P Y .

Land,
30769-1905.
43223-1905.
44630-1905.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister, Chloa Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Waigs for herself; by George Waigs, Sr., for himself and his minor son, George Waigs, Jr.; by John Waigs for himself; by Fanning Waigs for himself; by Irene Wanka for herself and her minor children, George and Flenon Wanka; by Lizzie Carroll for herself, her sister, Katie Waigs, and her brothers, Nathan and Henry W. Waigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Maggie, Charity, Mollie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie W. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rose; Missy Rose was born since 1866 and is the daughter of Jesse Rose, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Fleming Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flosson Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carrell, Katie, Nathan and Henry A. Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie, Charity, Mollie, Ben, Mollie and Ted Albert are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant Lequittie Beck is the child of Sarah Beck and has resided with her father since 1867.

Chloris Graison returned to the Cherokee Nation with the Beckers, subsequent to February 11, 1867; her minor grand child, Corrade Graison, is the daughter of Anstond Weste, who is identified on the 1860 authenticated Cherokee roll.

Edw. Barrick returned to the Cherokee Nation the 1st of February or first of March, 1867; John Wright is his son born since 1867 and takes the name of his father.

Aaron Taylor returned to the Cherokee Nation in the summer of 1867. Together, Aaron Taylor and Andrew Alford have resided continuously in the Cherokee Nation since their return thereat, and the applicants, Corrade Graison and Maggie, Mattie, Levitt, Hollie, Van, Hollie and Ned Alford have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1860 authenticated Cherokee roll.

There is also enclosed affidavits in behalf of Edward Barrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commissioner's decision is recommended.

Very respectfully,

J. J. Graves
Chief Commissioner.

W. H. ...

C O P Y .

DEPARTMENT OF THE INTERIOR
WASHINGTON.

D. T. 7538-1905.
8864-
8900-

June 25, 1906.

T. R. C.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlora Crayson et al., Aaron Webster, Elizabeth Weigs, George Weigs, Sr., et al., John Weigs, Flemings Weigs, Irene Hanks et al., Mattie Carell et al., Andrew Alberty et al., Harriet Webster et al., Moses Webster, Wesley Webster, Edward M. Webster, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Mattie Carell et al., Elizabeth Weigs, Elizabeth Weigs et al., George Weigs, Sr., et al., Edward M. Webster, Harriett Webster, Moses Webster, and Wesley Webster et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Vellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlora Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry L. Meigs, Harriett Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward W. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse . . Wilson

Assistant Secretary.

1 inclosure.

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chloris Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 20, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-7
MMP

Commissioner.

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,
Attorney for Joe Ross, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chloa Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 5, 1906, and that the motion filed September 7, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7
MXP

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6
WVP

Commissioner.

Cherokee freed-
man D. 216

Muskogee, Indian Territory, July 6, 1906.

Aaron Webber,
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and affirmed by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Commissioner.

MMP

Cher Fr 1528

Trans. from Cher Fr D 1263

Cher Fr 1528

OTB

DEPARTMENT OF THE INTERIOR
: COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of
LEVI WEBBER
as a Cherokee Freedman

CHEROKEE FREEDMAN **■** 1263

R
Cher F D 1263

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

Emmet Starr, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment ?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

Levi Webber, page 822, # 2578, Tahlequah District; Ad. Col.
Also on Wallace roll, page 92, # 1968, Tahlequah District;

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell
Subscribed and sworn to before me this August 18, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 27, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LEVI WEBBER as a Cherokee Freedman.

APPEARANCES:

For Applicant, A. S. McRea.
For Cherokee nation, W. W. Hastings.

SAMUEL WEBBER, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Samuel Webber.
Q What is your age? A 62.
Q What is your post office? A Braggs.
Q Are you a Cherokee freedman? A Yes sir.

BY MR. McREA:

- Q Are you acquainted with Levi Webber? A Yes sir.
Q Is he any relation to you? A My son.
Q Is he alive? A Yes sir.
Q Where is he now? A Carson, Nevada.
Q How old is he? A As near as I can guess at it, between 32 and 33.
Q Where was he born? A Down here on the Illinois River.
Q In the Cherokee Nation? A Yes sir.
Q State to the Commission why that your son Levi has not appeared before the commission before now and made application for enrollment if you can? A They got him arrested and in prison, is in prison now.
Q In the penitentiary? A Yes sir, I guess he is in the penitentiary, he shot somebody I suppose.
Q Does his name appear upon the Authenticated Roll of 1880 with your family? A Yes sir.

BY MR. HASTINGS:

- Q What is your wife's name? A Judy Webber.
Q Is she the mother of Levi Webber? A Yes sir, our oldest child.
Q Is Levi Webber married? A No sir.
Q Was he ever been married? A He has been, but not according to law.
Q When was he married? A A little before the payment at Warden.
Q The payment at Warden was in 1897 wasn't it? A Yes sir.
Q Well how long before that? A About a year before that I guess.
Q What is your next child to Levi named? A Mary Webber.
Q Is she living? A No sir she is dead.
Q What is the next one? A Rosa Webber.
Q Is she living? A Yes sir.
Q Have you some other children younger than Rosa? A Yes sir, two or three of them.
Q When did Levi Webber leave this country? A Well I don't know, you may remember the time, you remember the time the little post office got robbed up there on the road near Ola remote some place, they arrested him and convicted him at Wagoner and sent him on I guess to Leavenworth

- Q Kansas? A Yes sir.
- Q Was that since the Freedman payment? A Yes sir.
- Q About how long after 1897, that is when the Freedman payment was?
- A I couldn't guess at it. You remember the time they turned out all those prisoners. He got out a little before that.
- Q He was then in the Cherokee nation in July, 1898? A Yes sir, he got out then.
- Q He immediately got into some more trouble did he? A Yes sir.
- Q And was arrested and tried at Wagoner and convicted? A Yes sir.
- Q And was sent to Fort Leavenworth from there? A Yes sir, and got out of it.
- Q And then he went to Carson City, Nevada? A Yes sir.
- Q And got into trouble there? A Yes sir.
- Q You know he is alive now? A Yes sir.
- Q Do you know when he got out of prison at Fort Leavenworth, Kansas? A No sir.
- Q How long was he sent up for when he was sent to Fort Leavenworth?
- A I think it was five years, I couldn't tell.
- Q Do you think he was there within a year after he was released at Tahlequah? A I couldn't tell that exactly.
- Q Is it your best judgment that he was there in about a year?
- A Yes sir as near as I can guess at it.
- Q He never came back from there here after he was released from Fort Leavenworth? A No sir.
- Q When did you hear from him last? A Last year, and we heard from him since that, got a letter here now.
- Q I mean when the last letter you had from him? A Somewhere along about two or three weeks.

BY MR. McCREA:

- Q State if you know whether or not your son Levi was in prison at Fort Leavenworth during the years 1901 and 1902? A I couldn't tell you that but as far as I can tell you is the time that little post office got robbed. I don't know anything about the years.
- Q Where did you make application for enrollment this last time the Dawes Commission was taken census of Cherokee freedmen, at Fort Gibson? A Yes sir.
- Q The first sitting of the commission at Fort Gibson was in April, 1901, was your son in prison at Fort Leavenworth at that time when you made your application for enrollment? A The time of the payment my boy was right in Fort Gibson.
- Q I am not asking anything about the payment, you know the Dawes Commission four years ago was in session at Fort Gibson in April the first time it convened there to enroll citizens of the Cherokee Nation, you say at that time you applied for enrollment, now was your son Levi Webber in prison at Fort Leavenworth at that time? A Yes sir, he must have been in prison.

BY MR. HASTINGS:

- Q Do you know he was in prison at that time or had he gotten out?
- A No sir I don't know anything about that, but he is out of there now.
- Q You don't know then whether or not he was in prison at the time you appeared before this Commission or was out? A Sure I know all about it, he was arrested right here at Wagoner.
- Q I know, but the day you appeared before the Commission in 1901, do you know whether your son had gotten out of the Fort Leavenworth penitentiary or not at that time? A No sir, I don't know.
- Q You don't know whether or not he was in the penitentiary then or not? A Yes sir he is in the penitentiary at Carson, Nevada, right there now.
- Q Now we are trying to get you to state where your son was in 1901 when you appeared before the Commission? A In jail.

- Q Do you know where? A At Fort Leavenworth.
Q Do you know when he got out of Fort Leavenworth? A No sir.
Q At the time you applied before the Commission do you know whether he was out of the Fort Leavenworth penitentiary then or not?
A No sir.

BY MR. McREA:

- Q Here is a letter address to you from Carson City, Nevada, and signed Levi Webber, did you receive that letter? A Yes sir.

Mr. McRea: The witness now offers in evidence a letter, dated June 26, 1905, Carson City, Nevada, marked Exhibit "A." This letter is offered for the purpose of showing that the applicant Levi Webber is now alive.

Mr. McRea: The applicant now offers in evidence a letter of date, December 13, 1901, post mark, Reno, Nevada, through his attorney, addressed to his mother, Mrs. Judy Webber. This letter is offered in evidence for the purpose of showing that the applicant was incarcerated in jail, marked Exhibit "B."

Mr. Hastings: The Attorneys for the Cherokee Nation desire to call the attention of the Commissioner to the fact that it has never heretofore received in evidence letters or any kind of affidavits for the reason that counsel for the Cherokee Nation has had no opportunity whatever to cross-examine the party making the affidavit, or to inquire into the facts contained in the letter, but inasmuch as this last letter of date, December 13, 1901, discloses the fact that he, at that time, was out of the penitentiary at Fort Leavenworth, Kansas, and further discloses the fact that he had presumably been in Cincinnati, Ohio, and San Francisco being his objective point as stated in the letter, we have no objection to the filing of these letters, and submit the matter to the Commissioner.

On behalf of the Commissioner:

The letters referred to, the one dated June 26, 1905, and the one dated December 13, 1901, will under the circumstances be filed with and considered for what they are worth. They are marked Exhibits "A" and "B." respectively.

ON BEHALF OF THE COMMISSIONER:

- Q When your son was ~~xxx~~ released from the Cherokee jail in 1898 or 1899 where did he then go? A He went in the upper District and stayed there a few days.
Q To what District? A Cooweescoowee.
Q Do you know how long he stayed there? A No sir, I don't.
Q Was he there when he was arrested the second time and tried at Wagoner, you spoke of? A Yes sir that is the time.
Q When he was released from the penitentiary at Fort Leavenworth, do you know where he went? A No sir not until we got a letter from him.
Q Have you ever seen him since he was tried at Wagoner? A No sir.
Q And so far as you know he has never returned to the Cherokee Nation since that time? A No sir.
Q Was his wife a citizen of the Cherokee Nation? A No sir.
Q Did they have any children? A No sir, didn't live together but a little while.
Q Has your son ever had any property in the Cherokee Nation? A Yes sir.

- Q Has he got any there now? A No sir.
- Q When did he have any property in the Cherokee Nation? That was before he was arrested, when he first got married he and his wife were living on his own place at that time.
- Q That was before he went to jail at Tahlequah? A Yes sir.
- Q Did he dispose of his property then? A Yes sir, sold it to my daughter.
- Q Since he was sent to jail at that time has he ever owned any property in the Cherokee nation? A No sir not that I know of.
- Q Got any of any kind? A No sir.
- Q And he has never returned to the Cherokee Nation since he was sent to the penitentiary from wagoner? A No sir, not that I know of.

Samuel Webber, the witness, and his wife, Judy webber, together with their minor children are listed for enrollment on Cherokee Freedman Roll Card Field No. 269, his name and the name of his wife appearing opposite final roll Nos. 719 and 720 respectively.

The Attorneys for the applicant and the Cherokee nation announce that they have no further testimony to introduce in this case, the same will be closed and considered on the testimony now introduced.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 29th day of July, 1905.

Bruce E Jones
Notary Public.

(COPY)

District of Nevada, S.S.

The President of the United States of America,
To the Marshall of the United States for the District of Nevada,
Greeting:

Whereas, on the 17th day of June, 1902, a certain judgment was rendered and entered in our district Court of the United States for the District of Nevada, of which the following is a verified copy, viz.

"In the District Court of the United States for the District of Nevada. May Term, 1902. Honorable Thomas P. Hawley, Judge.

The United States) Indictment for violation of the Act of January
vs.) 30, 1902, to prohibit the sale of intoxicating
Levi Webber.) drinks to Indians, &c. No. 994

This being the time heretofore appointed for pronouncing judgment in this case, the defendant being personally present, the court proceeded as follows:

You, Levi Webber, have been indicted by the grand jury impaneled in and by this court, for the crime of unlawfully disposing of ardent liquor to one Billy Garfield, an Indian, a ward of the Government, under charge of Indian superintendent or agent, said crime having been committed on the 26th day of May, 1902, at the town of Wadsworth, in the County of Washoe, State and District of Nevada, and within the jurisdiction of this court. You were duly arraigned upon that indictment, and on being called upon to plead thereto you pleaded guilty as charged therein.

The defendant was then asked if he had any legal cause to show why the judgment of the court should not now be pronounced against him, to which he replied that he had not.

In consideration of the premises and the law it is hereby ordered and adjudged that you, Levi Webber, be imprisoned in the county jail of Storey County, State of Nevada, for the period of seven (7) months from and after this day, and pay to the United States a fine of one hundred dollars; and that you stand committed in said county jail until the fine and costs herein, taxed at \$_____ are paid.

Dated, and entered, June 17th, 1902.

Attest: T. J. Edwards
Clerk."

I hereby certify that the above is a true copy of the original judgment now of record in my office at Carson City, Nevada.
Witness my hand and the seal of said court this 17th day of June, 1902.

(SEAL)

(Signed) T. J. EDWARDS
Clerk

Now, therefore, you, said Marshall, are hereby commanded that you forthwith deliver the said Levi Webber into the custody of the Sheriff of the said County of Storey; and you, said Sheriff, are hereby required to imprison the said Levi Webber in said county jail as provided in and by said judgment; and these presents shall be your authority therefore.

Witness the honorable Thomas P. Hawley, Judge of said Court, and the seal thereof hereunto affixed, this 17th day of June, 1902.

(SEAL)

(Signed) T. J. EDWARDS
Clerk

(2)

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy, and that same is true and complete copy of the instrument now on file with this office.

Lucy M. Bowman

Subscribed and sworn to before me this 20th day of April, 1906.

B. P. Rainey
Notary Public.

her husband right and that I wish her and
was or may be a long and happy marriage
give love to all the children

yours with

Respect

Levi Wall

~~was~~

Corson City Nevada

Box 631

Exhibit "A"

Carson City Nevada

June the 26 1905

DEPARTMENT OF THE INTERIOR
BUREAU OF LANDS
FILED
JULY 2 1905

Mr Samuel Webber & wife father

I received your kind and welcome letter and was glad to hear from you and was glad to hear that you all were well as this leaves me well and getting along as well as could be expected under the present circumstances father the reason you didn't get those papers when you got my letter they were delayed but I hope you have got them by this time as they were sent just as early as I could father if you cant sell right a way please send me as much money as you can you no that I am in trouble and would like to get out if I can if you cant do any other way turn this land over to Johnson and get twenty five dollars from him and send to me and when you do sell pay him the money back I do not like to ask you but in the condition I am in I cannot help my self if you can get it send by next week sure as I want use it by that time I want see a lawyer and find out what he can do for me but if you can sell by that time send me the money as soon as you sell and that will be all right Tell Rosa that she has married and to treat

into jail, I did not at first know
what I was in for, and I asked the jailer
what I was in for and he said, selling
whiskey to Indians.

Now Mother one of the Indians is in
jail here and I asked him if I sold any
whiskey to him and he said no.

He said it was a man I gotten up to
send me to the pen and if they did the
pen I would give him some
money.

I would give you some money
50¢ five dollars by the state
I am sure if I had not money I would
be in jail.

The man that was in jail
and let me testify that I want \$50.00
Twenty dollars more when he sold my
land, that he was taken \$50.00 out of
the amount.

I will not have to pay her until the
middle of June.

I am not from Reno, and long to see
you and to hear from you
I am enjoying
myself.

I will write you soon
address
Reno Nevada.

Lee

(C O P Y)

Carson City Nevada

Exhibit "A"

March 26, 1905

Mr. Samuel Webber Dear father.

I received your kind and welcome letter and was glad to hear from you and was glad to hear that you all were well as this leaves me well and getting a long as well as could be expected under the present circumstances. father the Reason you didnt get thoses papers when you got my letter they were delayed But I hope you have got them by this time as they were sent just as early as I could. father if you cant sell Right away please send me as much money as you can you no that I am in trouble and would like to get out if I can if you cant do any other way tun this land over to Johnson and get twentyfive dollars from him and send to me and when you do sell pay him the money back I do not like to ask you but in the condition I am in I cannot help myself If you can get it send by next week sure as I wanto use it by that time I wanto see a lawyer and find out what he can do for me. But if you can sell by that time send me the money as soon as you sell and that will be all right. Tell Rosa that she has married and to treat her husband right and that I wish her and Mr Ormsby a long and happy marriage.

give love to all the children.

Yours with

Respt.

(Signed) LEVI WEBBER

Carson City Nevada
Box 631

-2-

INDORSEMENTS

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

F I L E D

JUL 27 1905

Tams Bixby
Commissioner

Exhibit "B"

(C O P Y)

Office of
W. H. McInnis
Sheriff of Washoe County
State of Nevada

Reno Nevada, Dec. 13th 1901.

My Dear Mother,

It is certainly a long time since you heard from me, of which I am sorry, the reason I did not write to you before, is that I got into trouble, serious trouble.

When I left Cincinnati on the 26th of sept. for San Francisco, with the intention of going to work on the railroad, I found that I had been shipped here to take the place of strikers, and so did not go to work, but turned around to go back to Cincinnati again. When I landed in Reno, I found myself broke, and started out to find work and after I had worked a few days I was taken sick, and the money I had earned took all I had to live on while I was sick. One day I was sitting on a log when a Indian wanted me to get him some whiskey, and I would not do it, so I got up and forgot all about it until I was arrested and thrown into jail, I did not at first know what I was in for, and I asked the jailer what I was in for and he said, selling whiskey to Indians. Now, Mother one of the Indians is in jail ^{here} and I asked him if I sold any whiskey to him and he said no. He said it was only a job gotten up to send me to the pen, and if they did the policeman would give them some money.

Mother I wish you would send me \$5.00 five dollars by the first of Jan. sure I am sure if I had the money I could get clear.

-2-

Tell Father to go and see C. W. Hatfield and tell Mr. Hatfield that I want \$50.00 Fifty dollars, and when he sells my land, that he can take the \$50.00 out of the amount.

I will probably have to stay here until the middle of Jan.

I am not feeling very well, and long to be east.
Sincerely hope this will find you enjoying good health.

Your humble son,

(Signed) LEVI WEBBER

Address letter care

County Jail

Reno Nevada.

INDORSEMENTS

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
F I L E D

JUL 27 1905

Tans Bixby
Commissioner

Office of the
NEVADA STATE PRISON

CARSON CITY, NEVADA, Nov. 2, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, I. T.

Dear Sir:

In reply to your letter of some time ago inquiring about one Levi Weber, I would state that he was received at this penitentiary on May 5th. 1905, sentenced to fourteen years for assault to kill. With credits, his term will expire Jan. 5th., 1916.

In a recent letter to Weber you request a reference, in reply, to "Cherokee Freedmen, D-1263." This letter embraces the information requested from Weber.

Yours truly,

(Signed) J. L. Considine.

COPY

Carson City Nev March 5th 1906

Hon Commissioner

Dear Sir

Yours of the 26 was Received and in Reply to your Request I will say that I was in Tahlequah three three times but I do not Remember the date the last time I was there was in Sept 97 I went there on the 11th as near as I can Remember and stayed till some time in November of the same year and on the 9th of March 98 I went to Ohio and I stayed there untill August the 9th 1901 you asked me when my sentence expires hear not untill the fifth of March 1915 Providing I have to do it all Please write and let me know when you think my case will be settled.

from Levi Webber

Carson City Nev Box 631

COPY

OHIO PENITENTIARY.

Columbus, O. March 15, 1906.

W. O. Beall, Commissioner,
Muskogee, I. T.:

Dear Sir:-

Yours of the 13th inst. with reference to Levi Webber, an applicant for enrollment as a Cherokee Freedman, received. In reply our records show that Levi Webber, Aged 25(at that time) and colored, was received at this penitentiary from the Northern District of the Indian Territory on March 29, 1898, having been convicted at the March, 1898, term of court and sentenced to a term of five years for breaking into a postoffice. His sentence began March 9, 1898, and he was discharged by expiration of sentence on August 8, 1901.

Yours very truly,

O. B. Gould,

Warden.

(C O P Y)

Carson City Nev. March 25th 1906

Hon. Commissioner.

Dear Sir:

Yours of the 20th Recd. and in Reply to your request will say that in 1901 I was confined in Reno County jail an as near as I can Remember I was put in on the 15 of Oct. and Released on the 11th of March 1902 and in June of the same year on the 17th as near as I can remember I was sent to Virginia City Nev. Storey County Released on Jan. 11th 1903 and havent been in jail any where else from the time I left Ohio untill I were arrested in Reno Nev. Washoe County an sent hear to do fourteen years being arrested Jan the 20 1904 tried and sentenced May the 5, 1905. I get four years and two months off which will let me out March the 5 1915.

Yours ruly

Levi webber

James Quirk, Sheriff.

J. A. Quirk, Deputy.

Office of
Sheriff and Ex-Officia Assessor,
Storey County, Nevada.

Virginia, Nev., April 13th, 1906.

W. O. Beall, Esq.,
Muskogee, Indian Territory.

Dear Sir:-

Levi Webber was received at this jail June 21st, 1902. He was released under section 1042 R. S. U. S. January 11th, 1903. His commitment is dated June 17th, 1902. Inclosed find a copy of the commitment which you can return to me again.

Webber I understand is at present serving fourteen years in the State Prison at Carson City, Nevada, for an assault committed on a white woman in Reno, Nevada.

Respectfully yours,

(Signed) James Quirk.

C7B

Cherokee 1263.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Levi Webber as a Cherokee freedman.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Levi Webber as a Cherokee freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, July 27, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Levi Webber who is identified on the Cherokee authenticated tribal roll of 1880 and the Wallace roll of Cherokee freedmen, was born in the Cherokee Nation since 1866, and from the date of his birth until the year 1898, continuously resided therein. It is further shown that since 1898 said applicant has been absent from the Cherokee Nation, but it is considered that his absence therefrom has not been of such a nature as would forfeit his right to Cherokee freedman citizenship.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the act of Congress approved June 28, 1898(30 Stat.495) Levi Webber is entitled to enrollment as a Cherokee freedman and his application for enrollment as such is accordingly granted.



Commissioner.

Dated at Muskogee, Indian Territory
this JUL 27 1906

Cherokee Freedman
D 1263

Muskogee, Indian Territory, July 18, 1905

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that A. S. McRea, attorney for Levi Webber, who appears upon the Commission's records as an applicant for enrollment as a Cherokee freedman, has been advised that he will be permitted to appear before this office on July 27, 1905, and introduce any testimony he desires tending to prove the right to enrollment as a Cherokee freedman of the said Levi Webber.

The Cherokee Nation will, on that date, be given an opportunity to introduce such testimony as it desires in the matter of the enrollment of said person.

Respectfully,

G. B.

Commissioner.

Cherokee Freedman
D-1263.

COPY.

Muskogee, Indian Territory, July 31, 1905.

A. S. McRea,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed you herewith copy of supplemental testimony of July 27, 1905, taken in the matter of the application for the enrollment of Levi Webber as a Cherokee freedman, together with blank form of receipt for same which you are requested to sign and return to this office.

Respectfully,

James E. Smith

Commissioner.

Incl. K-24.

Cherokee Freedman
D-1263.

COPY.

Muskogee, Indian Territory, July 31, 1905.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed you herewith copy of supplemental
testimony of July 27, 1905, taken in the matter of the application
for the enrollment of Levi Webber as a Cherokee freedman.

Respectfully,

Incl. K-25.

1905
Commissioner.

Cherokee Freedmen

COPY.

D-1263.

Muskogee, Indian Territory, September 16, 1905.

Warden, State Penitentiary,
Carson City, Nevada.

Dear Sir:

On August 3, 1905, this office addressed to you a letter asking information relative to what your records show with reference to one Levi Webber, an applicant for enrollment as a freedman citizen of the Cherokee Nation, and who, it appears, is at present confined in the Nevada State Penitentiary.

As yet no reply has been received as to that letter, and you are again requested to advise what your records show with reference to the incarceration of said Levi Webber. Information is especially desired as to the number of times he has been confined in the Penitentiary, and the length of each term served.

Respectfully,

LS

Wm O Beall
Acting Commissioner.

Cherokee Freedmen

D-1263.

Muskogee, Indian Territory, October 25, 1905.

Levi Webber,

P. O. Box 631,

Carson City, Nevada.

Dear Sir:

It appears from the testimony recently given in connection with your application for enrollment as a Cherokee freedman, that you are at present confined in prison in the state of Nevada. Letters have been addressed by this office to the Warden of the State Penitentiary of Carson City, but as yet no reply has been received to same.

You are requested to advise in what prison, whether county or state, and if county, the name of the same, in which you are confined, and also when you were incarcerated therein, and when your term of service will expire.

As this matter is important you are requested to give it your immediate attention.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

D-1263.

Muskogee, Indian Territory, October 25, 1905.

Sheriff of Washoe County,
Reno, Nevada.

Dear Sir:

Application was made to the Commission to the Five Civilized Tribes for the enrollment, as a freedman citizen of the Cherokee Nation, of one Levi Webber. This office has been informed that he was at one time confined in the county jail of Washoe county, and you are requested to advise this office what your records show with reference to the date of his incarceration and the length of service and the number of times which he has served. You are also requested to advise what your records show as to the present whereabouts of said Levi Webber.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

COPY

D-1263.

Muskogee, Indian Territory, November 10, 1905.

J. L. Considine,
Warden Nevada State Penitentiary,
Carson City, Nevada.

Dear Sir:

This office is in receipt of your letter of November 2, in reply to this office's communication asking information relative to the prison record of Levi Webber. You state that said Webber was received at the Nevada State Penitentiary on May 5, 1905, and that he was sentenced to fourteen years in prison.

You are requested to, if possible, advise this office as to the whereabouts of said Webber prior to his incarceration in that Penitentiary. It is understood that he has been in prison in some jail in Nevada other than the State Prison, I would thank you to give this matter your early attention.

Respectfully,

SIGNED:

James Dinky
Commissioner.

LS

Cherokee Freedmen

D-1268.

Muskogee, Indian Territory, February 14, 1906.

Levi Webber,
Care of State Penitentiary,
Carson City, Nevada.

Dear Sir:

In reply to your letter of February 9, you are advised that as yet no decision has been rendered in the matter of your application for enrollment as a Cherokee freedman. It is desired that you advise this office by return mail the number of times and places you have been in prison, the dates of your incarceration and release from the different prisons, and as to when your term of service in the State Penitentiary of Nevada will expire.

Respectfully,

Acting Commissioner.

LWS

COPY

Carson City Nev March 5th 1906

Hon Commissioner

Dear Sir

Yours of the 26 was Received and in Reply to your Request I will say that I was in Tahlequah three three times but I do not Remember the date the last time I was there was in Sept 97 I went there on the 11th as near as I can Remember and stayed till some time in November of the same year and on the 9th of March 98 I went to Ohio and I stayed there untill August the 9th 1901 you asked me when my sentence expires hear not untill the fifth of March 1915 Providing I have to do it all Please write and let me know when you think my case will be settled.

from Levi Webber

Carson City Nev Box 631

Cherokee Freedmen

D-1263.

Muskogee, Indian Territory, March 13, 1906.

Warden, United States Penitentiary,
Columbus, Ohio.

Dear Sir:

You are requested to advise this office as to what your records show relative to the incarceration of Levi Webber, colored. Said Webber is an applicant before this office for enrollment as a Cherokee freedman, and is at present confined in the State Penitentiary at Carson City, Nevada.

It appears that he was convicted in the United States Court for the Northern District of Indian Territory and sentenced to prison at Columbus, Ohio, on or about the 5th day of March, 1898, and was released on or about August 9, 1901.

As this matter is important, it is requested that you give it early attention.

Respectfully,

IS

Acting Commissioner.

COPY

OHIO PENITENTIARY.

Columbus, O. March 15, 1906.

W. O. Reall, Commissioner,
Muskogee, I. T.:

Dear Sir:-

Yours of the 13th inst. with reference to Levi Webber, an applicant for enrollment as a Cherokee Freedman, received. In reply our records show that Levi Webber, Aged 25 (at that time) and colored, was received at this penitentiary from the Northern District of the Indian Territory on March 29, 1898, having been convicted at the March, 1898, term of court and sentenced to a term of five years for breaking into a postoffice. His sentence began March 9, 1898, and he was discharged by expiration of sentence on August 8, 1901.

Yours very truly,

O. B. Gould,
Warden.

Cherokee Freedmen

D-1263.

Muskogee, Indian Territory, March 20, 1906.

Levi Webber,

Box 631,

Carson City, Nevada.

Dear Sir:

This office is in receipt of your letter of March 5, advising the different places in which you have been imprisoned. You state that you were sent to the penitentiary in Ohio on March 9, 1898, and were released on August 9, 1901, and that your sentence in the Nevada State Penitentiary will expire on March 5, 1915. Under date of November 2, 1905, the warden of the Nevada State Penitentiary advised this office that you were received at that institution on May 5, 1905, and were sentenced to fourteen years. It appears from a letter from you dated at Reno, Nevada, December 13, 1901, addressed to your mother, that you were at that time confined in the county jail of Washoe county, Nevada.

You are requested to advise this office the different places and the dates you were in jail from the time you were released from the federal prison at Columbus, Ohio, on August 8, 1901, until you were sentenced to the Nevada State Penitentiary

-2-

on May 5, 1905. As this matter is important you are directed to give it your immediate attention.

Respectfully,

LS

Acting Commissioner.

Cherokee Freedmen

D-1263.

Muskogee, Indian Territory, April 7, 1906.

Sheriff of Storey County,
Virginia City, Nevada.

Dear Sir:

Levi Webber, colored, is an applicant before this office for enrollment as a freedman citizen of the Cherokee Nation, and the office has been advised that he was confined in the county jail of Storey county, Nevada, from on or about June 17, 1902, to about January 11, 1903.

You are requested to advise this office as to what your records show with reference to the incarceration of said Webber, particularly the date he was received at your jail and the date he was released therefrom. As this matter is important, you are requested to give it your earliest attention.

There is inclosed, for your reply, a return penalty envelope which requires no postage.

Respectfully,

LS
Incl. Env.

Acting Commissioner.

Cherokee Freedmen

D-1263.

Muskogee, Indian Territory, April 7, 1906.

Postmaster,

Reno, Nevada.

Dear Sir:

This office is advised that Levi Webber, colored, who is an applicant for enrollment as a freedman citizen of the Cherokee Nation, was confined in the Washoe county jail from about October 15, 1901, to about March 11, 1902. It is necessary, in adjudicating his right to enrollment, to ascertain his whereabouts for several years past, and two requests have been made of the sheriff of Washoe county as to what his records show with reference to the incarceration of said Webber in that jail. The sheriff failed to respond to the letters, and it is requested that you secure, if possible, whatever information as is shown by the county records as to the imprisonment of this person in your county jail, or to refer the letter to some county official who will give the matter proper attention.

As this matter is important, it is requested that you give it your earliest attention.

There is inclosed, for your reply, a return penalty envelope which requires no postage.

Respectfully,

LS
Incl. Env.

Acting Commissioner.

1
Cherokee Freedman
D 1263

COPY.

cc cc

11

Muskogee, Indian Territory, July 31, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting the application for the enrollment of Levi Webber, as a Cherokee Freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the decision of the Commissioner in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. H. J. - 160.
H. J. C.

SIGNED

Samuel Dwyer

Commissioner.

Cherokee F.
1263.

Muskogee, Indian Territory, August 30, 1906.

Levi Webber,
c/o State Penitentiary,
Carson City, Nevada.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting the application for your enrollment, as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen, and approved by the Secretary of the Interior, of which action you will be duly notified

Respectfully,

Acting Commissioner.

Incl.C-7
LMC

Cherokee F.
1263

Muskogee, Indian Territory, August 30, 1906.

A. S. McRea,
Attorney for Levi Webber,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting the application for the enrollment of Levi Webber, as a Cherokee freedman.

Respectfully,

Acting Commissioner.

Incl.C-9
LMC

Cherokee F
1263

Muskogee, Indian Territory, August 30, 1906.

Johnson Webber,
Bragg, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting the application for the enrollment of your brother, Levi Webber, as a Cherokee freedman.

Respectfully,

Incl. C-8.
LMC

Acting Commissioner.

Cherokee Freedmen
1528

Muskogee, Indian Territory, September 7, 1906

J. H. Childers,

Muskogee, Indian Territory.

Dear Sir:

In reply to your letter of September 4, relative to the citizenship status in the Cherokee Nation of Levi Webber, you are advised the records of this office show that the application for the enrollment of Levi Webber as a Cherokee Freedman was granted on July 31, 1906.

Respectfully,

L M B

Acting Commissioner



Mr. S. C. ...

Dr. J. ...

U.S.

Exhibit 12.



Faint, illegible handwritten text, possibly including a name and address.

Cher Fr 1529

Trans. from Cher Fr D629

Cher Fr 1529

Department of the Interior
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

In the matter of the application of Mattie McNair for the enrollment of herself and one child as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Mattie McNair, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mattie McNair
Q How old are you? A. I am 30 years old
Q What is your postoffice address? A Wimer.
Q What district do you live in? A. Cooweescoowee district
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yessir
Q Did you ever apply to be enrolled by any other Nation or tribe?
A. No sir.
Q Is your name on the roll of 1860? A. No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes
sir, it is on the Wallace and the Kern-Clifton.
Q Who do you desire to enroll besides yourself? A. Me and one
child.
Q What is the name of your child? A. James Landrum
Q How old is he? A. 14.
Q Are you married? A. Yes, sir.
Q What is your husband's name? A. Alfred McNair.
Q Is he a citizen? A. Yes, sir.
Q Are you living with him now? A. Yes sir.
Q You don't apply for him? A. No, sir.
Q Were you ever married before? A. Yes sir.
Q Who to? A. Willie Mayfield.
Q Is he living? A. No sir.
Q Were you ever married before that? A. Yes, sir
Q Who to? A. George Hill.
Q Is he living? A. Yes, sir.
Q Is he your first husband? A. Yes, sir.
Q James Landrum, was he born before you were married to anybody
A. Yes, sir.
Q Your first husband was George Hill? A. Yes, sir.
Q You have been married three times, and James Landrum was born
before you were married to anyone? A. Yes, sir.
MR. MELLETTE: What was your mother's name? A. My mother's name
was Wannie Vann.
Q Is she a sister of Katie Black ell who has applied for enroll-
ment here? A Yes, sir.
Q Your mother was a sister of Katie Blackwell, who has applied
for enrollment, Doubtful card 327? A. Yes, sir.
Q Well, where have you lived since your birth? A I have lived
in the Cherokee Nation.
Q Now do you know Mary Riley who applied for enrollment to-day?
A. Yes sir.
Q What relation was she to your mother? A. My mother's sister
Q Where were you born? A I. the Nation, Cherokee Nation.
Q Where? A. Well, I don't know
Q Have you been informed where you were born? A. No, sir, I haven't
Q Where have you lived since your birth? A. I have lived in
Tahlequah.
Q I mean what country? A. I have lived in the Cherokee Nation

Mattie McNair--2.

- Q What was your mother's first name? A. My mother's first name, Nancy.
- Q Nancy Morgan
- Q Do you know what her mother's name was? A. My mother's mother's name was Martha Thompson by her husband's name.
- Q Are you on the roll by the name of McNair? A. No, sir, Mayfield, or Mattie Hailstock.

Commissioner: How did that happen? A. That was my father's name

The 1830 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon?
The Kern-Clifton roll examined, and the applicants identified thereon as follows:
Mattie McNair on page 148, No. 3664, as Mattie Hailstock; note says "Now Landrum".

- Q Was your father's name Hailstock? A. Yes, sir.
- Q Were you ever married to a man named Landrum? A. No, sir
- Q How did you happen to get the name of Landrum? A. I guess that is my boy.

James Landrum on page 148, No. 3665, Cooweescoowee district
The Wallace roll examined and the applicants not identified thereon.

- Mr. Hastings: Now what was your mother's maiden name? A. My mother's maiden name by her owners was Nancy Morgan.
- Q Do you know about when your mother was born? A. No, sir.
- Q About how old was she when you were born? A. Well, I don't know.
- Q You don't have an idea? A. No, sir, I didn't never hear her say.
- Q Was she a young woman or an old woman? A. She was a young woman.
- Q Were you her first child? A. Yes, sir.
- Q Now where were you advised by your parents that you were born?
A. Well, I have never heard them say, seems like somewhere down about Tahlequah, down back there somewhere, my first recollection of anything was down there.
- Q You were living there when you can remember? A. Yes, sir.
- Q Where did you live? A. We lived down on a place they called, I believe, Par Hill, old Aunt Rose Ross' place.
- Q Who were you living with? A. With her, Aunt Rose Ross.
- Q Did she have any family? A. No, sir, an old widow woman.
- Q She had no children? A. No, sir, if she had any I don't know anything about them.
- Q How old were you when you left there? A. I don't know
- Q About how old? A. I don't know; about ten or 11 years old I recollect, I don't know whether that old.
- Q When do you first remember seeing Uncle Charlie? A. I don't know when I first remember seeing Uncle Charlie, I knowed him all my life.
- Q You never saw him at Tahlequah? A. No, I don't remember seeing him at Tahlequah.

Mattie McNair--3.

- Q Where did he see you first? A. Well I don't know, he knew me all the time .
- Q How much do you have to give him for witnessing? A. I didn't have to give him anything because I haven't got nothing to give him.
- Q You never promised him anything? A. No: of course he wants anything I can pay him.
- Q Where were you married to Hill? A. Vinita.
- Q Who married you? A. Uncle Fred Martin.
- Q Who married you the next time? A. I forget his name now, it was at Vinita.
- Q Who married you the third time? A. Another white man up on Big Creek, a preacher.
- Q Are all these husbands dead? A. One is dead.
- Q Divorced from your second one? A. No, I didn't have to get any divorce from my second one, my second one is dead.

Charlie Chambers, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Mellette: What is your name? A. Charlie Chambers
- Q How old are you? A. A bout 70
- Q Where do you live? A Live at Big Creek.
- Q Are you a Freedman citizen of the Cherokee Nation on the 1880 roll? A. Yes, sir.
- Q Do you know this applicant, Mattie McNair? A. Yes, sir I know her when I see her.
- Q What was her mother's name? A. Her mother was named Nancy
- Q Nancy what? A. Nancy Thompson is what they always called her.
- Q Did she have a sister by the name of Katie, who is not called Katie Blackwell, her mother? A. Yes, sir.
- Q Did this applicant's mother have a sister called Mary Riley, who applied for enrollment a while ago? A. Yes, sir.
- Q You testified as a witness in the case of Katie Blackwell, who was an applicant for enrollment, did you? A. Yes, sir.
- Q You mentioned in your testimony in the Blackwell case of seeing--
Mr. Hastings: I object to that.
- Q Did you see this applicant's mother, Nancy after the war, in the Cherokee Nation? A. Did I see her?
- Q Did you see her in the Cherokee Nation after the war?
A. Yes, sir , I seen her.
- Q Where did you first see her after the war in the Cherokee Nation?
A The first time I see her I saw her over here on Panther Creek
- Q Well, where did you first see her mother, Martha Thompson, after the war? A. She was there too.
- Q Where were they durin the war? A. They were down south in the Choctaw nation.
- Q Well do you know when they came back to the Cherokee nation?
A. Yes sir, they came back in '66, they all came bac together
- Q They came back together? A. Martha brought all the children back to her, brought all the children up.
- Q Where did you see them? A. I seed them again at Tahlequah.
- Q Where did you first see them? A. When I first seed them I seen them at Tahlequah; there is where I first seen them when they first came back.
- Q Was this applicant's mother, Nancy, with them at that time?
A Yes, sir, she was with them.

Mattie McNair--4.

Q Do you know whether her mother, Artha Thompson, was a slave or not before the war? A. That is what she told me, told me she was a slave.

Mr. Hastings : Now I want you to tell me everybody that was in that little house in Tahlequah that you saw in 1866?

A. I can't tell you everybody in there, I just saw the family in there is all I can tell you anything about.

Q You testified they stayed there some two or three months and went off? A. No, sir, I didn't.

Q Didn't you say they went back south? A. Yes, sir.

Q How long did they stay there at Tahlequah? A. I can't tell you how long they stayed there.

Q How long did you see them there? A. Why I was back to Tahlequah and I seen them there once or twice while I was there.

Q For about how long? A. I don't know just exactly how long it was.

Q About how many months? A. Why I can't tell you whether it was a month or two months or three weeks, I seen them and knew them and didn't keep no account of the time.

Q They were livin' in a little house in the town in the year of '66? A. Yes, sir.

Q And you know it was '66? A. Yes, sir.

Q Do you know what year the Wallace Court sat? A. No, sir.

Q Don't know what year? A. Don't know just what year that was, no/

Q Do you know what year the Kern-Clifton Commission took the census A. '66.

Q They did? A. I was told what time it was.

Q Do you know one year from another? A. No sir.

Q Yet you know a year that was 35 year ago, don't you, with distinctness and definiteness? A. I know it was a good while ago.

Q You never saw this woman before you saw her down in the Choctaw Nation, did you? A. No, sir, I never saw her before.

Q Did you see this particular girl at Tahlequah? A. This girl, no, sir.

Q You didn't see her? A. No, sir.

Q Well, you don't know how many you can see, you said?

Q I know she wasn't there.

Q Why do you know it? A. Because that woman wasn't married then.

Q She didn't have any children then at home? A. No, sir, didn't have none then.

Q Isn't Mary Riley a half sister of this girl? A. Not of this girl.

Q What kin is she to her? A. She is this girl's aunt.

Q You said Mary Riley was eight or ten years of age at that time? A. No sir, I didn't.

Q Didn't you testify you thought she was ten or eleven? A. No, sir.

Q You never made any estimate? A. No, sir, I said seven or eight.

Q Do you know when that girl was born? No, sir.

Q Well, you testified that her mother went back to the Choctaw Nation, didn't you? A. Yes sir.

Q About when did she go back? A. I don't know just exactly when they did go back.

Q Do you know whether it was in '65 or no? A. Well, I guess it was because they didn't stay up there but a short while, I guess it was.

Mattie McNair--5.

- Q How long after that till you saw her again, her mother?
A. After they came back?
Q Yes? A. I guess it was somewhere between three and six years, I don't know just exactly how much it was.
Q Which is the most, three or six? A. Three I believe.

Mr. Mellette: Would you rather have three dollars than six? dollars?
A I believe I would take six.

COMMISSIONER: Mattie McNair applies for the enrollment of herself and her child, James Landrum. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She is identified upon the Kern-Clifton roll as Mattie Hailstock, that havin' been her father's name, and her child, James Lanirum, is identified upon the Kern-Clifton roll. She avers that she is now married to one Willie McNair, and that she is the daughter of Nancy Vann, sometimes known as Nancy Morgan. Her attorney prays that the testimony taken in the case of the application of Katie Blackwell, who is listed for enrollment on D card 327, be made part of the record in the case at bar, and a copy of said testimony will be filed herewith. Now comes the attorney for the Cherokee Nation, and prays that the testimony taken in the application of Mary Riley, who is listed for enrollment as a Cherokee freedman on D card 624, also be made part of the record, which will be done, and a copy of said testimony will be filed herewith. They are duly identified, and make satisfactory proof of residence, consequently Mattie McNair and her child, James Landrum, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration by the Commission. She will be notified by mail of the action of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE C. JONES

Sworn to and subscribed before me this 17th of June, 1901.
(Signed) C. R. BRECKINRIDGE

Lucy A. Bowman states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above copy, and that the same is a full true and complete copy of the original transcript.

Subscribed and sworn to before me this 24 day of October 1905

W. H. White
Notary Public.

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CHEROKEE FREEDMEN.

Date JUN 8- 1901
Post Office Okmer, S.C.
District COOWEESCOOWEE.

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife Mattie H.C. Stair Age 30
Owner's name _____ Citizenship _____
Year 1883 Page 148 No. 3664 District 2000
Parents:
Father Garstock Citizenship _____
Mother Nancy Farm Citizenship 2000

Names of Children:

- 3. James Brandon Year 1880 Page 148 No. 3665 Dist. 2000 14
- 4. _____ Year _____ Page _____ No. _____ Dist. _____
- 5. _____ Year _____ Page _____ No. _____ Dist. _____
- 6. _____ Year _____ Page _____ No. _____ Dist. _____
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by Mattie Stair Stenographer B.C. Jones
M. C. Stair
W. H. Stair

James Brandon

Represented by _____ with _____

629

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony in the matter of the application
of Mattie McNair et al for enrollment as Freedmen of the Cherokee
Nation.

W. M. McCall

Attorney for Applicant.

Cherokee F. #D629.

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To be filed in case of Adeline Gardner, et al., CFD-634.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 14th, 1901.

In the matter of the application of Mary Riley for the enrollment of herself and her grandchild daughter named Rosa McNair, as Cherokee Freedmen; she being sworn by Commissioner T.B. Needles, testified as follows:

Dellette A. Smith, applicant's attorney;
W.V. Hastings, Cherokee representative;

Examined by Com'r Needles:

- Q What is your name? A Mary Riley.
Q What is your age? A 37.
Q What is your post-office address? A Chelsea.
Q In what district do you live? A Coocoescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation? A No sir.
Q Who do you want to have enrolled besides yourself? A I have a grand daughter.
Q What is its name? A Rosa McNair.
Q Who is the father of Rosa McNair? A Alf McNair.
Q Is he living? A Yes sir.
Q What is its mother's name? A Dora.
Q Is Dora living? A No sir.
Q How old is Rosa? A 4 years old.
Q Is your name on the roll of 1830? A No sir.
Q Is it on any of the rolls? A The Wallace and Kern rolls.

By W. Hastings:

- Q What was your maiden name? A Mary Foster.
Q What was your mother's name? A Martha Thompson.

By the Commission:

- Q Are you married? A Yes sir.
Q What is the name of your husband? A Frank Riley.
Q Is he a citizen? A Yes sir.
Q Has he been enrolled? A Yes sir, at Vinita.
Q What was his father's name? A Bob Foster.
Q Is he living? A No sir.
Q Give me your mother's name? A Martha Thompson.

The Kern Clifton rolls examined by the Commission of the applicant found as follows:
page 176, No. 3874, Mary Riley, Coocoescoowee District.

- Q Were you ever married to a citizen? A Yes sir that is what Frank went by, he went by his own name, and then changed to Riley, that is his father's name.
Q Did Rosa's father enroll her down at Vinita? A No sir, he didn't.
Q You say the father of Rosa was Alf McNair and her mother was Dora? A Yes sir.
Q Who was Dora's father? A Alf Fisher.
Q Is he living? A Yes sir.
Q Who was Dora's mother? A I don't know.

By Dellette A. Smith:

- Q Do you claim through your father or through your mother? A My mother.
Q What was your mother's name at the breaking out of the war?
A I don't know.

Q Was she a slave before the war? A Yes sir that is what she claims.
 Q You don't know what name she went by? A It was "Nig", I think.
 Q Where were you living when you first remember? A The first I remember of is at Tahlequah.
 Q Where since that? A On Panther creek.
 Q Where is that? A In the Cherokee nation.
 Q Have you lived ever since you can remember, in the Cherokee nation? A Yes sir.
 Q What was your mother's name when you first remember? Martha Thompson.
 Q Do you know where you were born? A On Grand river at the old Ten Landrum place is what my mother tells me.

By W. W. Hastings:

Q Did you ever live with Charles Chambers? A No sir.
 Q Did you know him at Tahlequah? A No sir, not until I came up here.
 Q How long after you come up here? A I don't know.
 Q How long did you live at Tahlequah after the war? A I don't know.
 Q Who did you live with there? A With my mother.
 Q Was she married to your step father then? A Yes sir.
 Q What was your step father's name? A Sidney Thompson.
 Q Did you reside in the town of Tahlequah? A No sir resided out in the country.
 Q What direction from town? A I don't know, I am most too small to recollect.
 Q What place did you live on? A Mother said it was an Indian place.
 Q Do you know how far it was from town? A No sir.
 Q How old were you when you left Tahlequah? A I don't know.
 Q How old did your mother teach you were? A She didn't teach me my age.
 Q You don't remember any of the old folks that lived there? A No sir.
 Q Don't remember any of your neighbors? A Yes sir.
 Q Who? A Looney, Lass.
 Q Did you know Frank Pack? A No sir.
 Q Were you old enough to have remembered going to town and seeing the town? A Yes sir.
 Q When you were first old enough to remember anything, where were you living? A On Panther creek; is where I really first remember much.
 Q Who did you come there with? A My mother.
 Q And your step father? A Yes sir.
 Q What is the town nearest to you on that creek? A Chelsea.
 Q How far is it from here? A 4 miles.
 Q Is that where you first met Charles Chambers? A Yes sir, time of the court.
 Q Is that the first time he ever saw you? A No sir I guess not.
 Q Who are your neighbors in Panther creek? A The Hartins and Bilyas.
 Q Charles Chambers is not a neighbor of yours? A No sir.
 Q Who did you have as witnesses before the Vern Clifton Commission? A Sheep Jim.
 Q Did you apply with your mother? A No sir with my sister, Kate Coody.

By the Commission-

Q What is your mother's name? A Martha Thompson.
 Q Is she dead? A Yes sir.
 Q How long has she been dead? A 12 years.
 Q She is not on any roll? A No sir.
 Q How long has Dora been dead? A A year last month.
 Q Is her name on any roll? A Yes sir.

Q Is it down as Dorris on it? A I think so.
Q What was her name when she died? A Rider.

The Vern Clifton roll examined, applicant's deceased daughter found thereon as follows:
Page 172, No. 4223, Dorris Rider, Coosa County District.

By Bellette:

Q Have you a brother named Phil Foster? A Yes sir.
Q Full brother? A No sir, on my father's side. Dorris, Jessie and Francis Foster is my sisters on my father's side.
Q Do they live with you? A No sir.
Q Who with? A With their mother I guess, I don't know, I can't say.
Q Are they on the 1880 roll? A I can't tell; I think they told me they was.
Q They didn't live with you during your first recollection? A No sir.
Q Where do they live? A On Coosawhatchee Bend.
Q Who was their mother? A Aunt Cindy I think--no Malissa Foster I think--I don't know her.
Q Your father was who? A Bob Foster.
Q Did you ever know him? A No sir, I was too young to recollect him.
Q Was he alive at your first recollection? A No sir I never did see him my father.
Q Phil Foster is your half brother--he is your father's son by a different wife than your mother? A Yes sir.

By Mr. Bellette:

"I would like to have the 1880 roll looked over and see if the name of Phil Foster is found thereon."
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's brother found thereon as follows:
Page 102, No. 1075, Phil Foster, Coosawhatchee District.

By Mr. W.W. Hastings:

"Come now the representatives of the Cherokee Nation and protest against allowing the present record with the taking of the 1880 enrollment of this person because this woman, the applicant, admits in her testimony that she and the said Phil Foster had different mothers, and that the mothers were not together and did not return together, and you might as well take the enrollment of any other name on the 1880 roll as this alleged half brother."

The 1880 and 1896 rolls of the Cherokee Nation examined and the name of the applicant's deceased daughter not found thereon.

CHARLES W. HARRIS, called as a witness, by Commission T.F. Seaman, testified as follows for the applicant.

(Examined by Mr. Seaman)

Q What is your name? A Charles W. Harris.
Q Where do you live? A On the creek.
Q In what Nation? A The Cherokee Nation.
Q In what district? A Coosawhatchee.
Q How old are you? A About 70.
Q Do you know the applicant, Dorris Rider? A Yes sir.
Q Did you know her mother, Aunt Thompson? A Yes sir.
Q Do you know if she was a slave? A Yes sir.
Q When did she belong? A I don't know, I can't just exactly say, but I know she was a slave.
Q How do you know she was a slave? A Because she told me she was.
Q Where did she live? A When I first knowed her she was down in the Chicklaw Nation.

- Q Where did she go during the war? A Down in the Choctaw Nation.
- Q Who was she with down in the Choctaw Nation or do you know? A I don't know really who she was with; I seen her there then.
- Q That was during the war? A Yes sir.
- Q When did she come back with just after the war? A She come and brought her children back.
- Q Where did she bring them to? A Tablequah.
- Q Did you see her bring them? A Yes sir.
- Q In what year was it? A I guess it was in '66, because it was the next year after I come.
- Q When did you come? A In '65.
- Q Was this applicant one of these children? A Yes sir.
- Q Who were the others? A She had several sisters along with her.
- Q Siblings of this applicant? A Yes sir.
- Q Where did Martha Thompson live after she came to Tablequah? A She went back to the Choctaw Nation.
- Q When did she go back to the Choctaw Nation? A She staid there about a month or two at Tablequah and went right back.
- Q When did you next see her? A I don't know if it was three or six years afterwards.
- Q Was this woman here still with her? A Yes sir all come back together.
- Q The second time? A Yes sir.
- Q You don't know where they located the second time? A No sir.
- Q You didn't see them all the time? A No sir I seen them along, but I don't know where they located then together.
- Q Have you seen this woman in the last few years? A Yes sir.
- Q Where does she live now? A Out here on Panther creek.
- Q How long have you known her out there? A 3 or 4 years.
- By lastings of the applicant:
- Q Is this the only witness you have in your case? A Only me here.
- By lastings of the witness:
- Q What year did you see them in the south? A Time the war was going on.
- Q What year? A I don't know the year.
- Q Do you know one year from another? A No not hardly.
- Q How big was this girl down there when you knew her? A Very small girl.
- Q As much as ten years old? A I don't think she was.
- Q What is your best judgment on it? A I don't know.
- Q 7 or 8 years old? A I don't know, exactly, 7 or 8 I guess.
- Q That is your best judgment here in 1866 about it is it? A Yes sir.
- Q You think they returned here in '66 because you came in '65 do you? A Yes sir.
- Q How long before you come up here that you saw them down there? A Yes sir I left them down there.
- Q Did you leave them and then come immediately back to the Cherokee Nation? A Yes sir, I come right on.
- Q You left them in '65 down there? A Yes sir.
- Q And come right on to the Cherokee nation? A Yes sir.
- Q And you think that was in '65 that you came and in '66 that they come? A Yes sir.
- Q Do you remember what this woman's mother's name was then? A Martha Thompson.
- Q Was she married Thompson then? A Yes sir, I think so.
- Q Her husband Thompson was with her? A Yes sir.
- Q What place in the Choctaw Nation was that? A Place called Thompson's Lick I believe.
- Q Near what town was it? A Boggy Depot.
- Q How many miles from here? A 4, 5 or 6 miles from there.
- Q What direction from Boggy Depot to where the people lived? A As well as I can recollect -- I just can't tell whether it was

north or south.

Q You were well acquainted with her, were you not? A I was acquainted with her.

Q Did she have any young children or brothers? A Not as I know of.

Q Did she have any older brothers or sisters? A Don't know of any brothers that was there as I know of, there was some sisters.

Q How many sisters did she have? A There was 3 or 4 of them.

Q Do you remember any of their names? A One was named Katie and one was named Nancy and I think the other was named Fickey if I mist be not.

Q Near what other people were they living with some Cherokee?

A No sir, there was some Choctaws around there, there was some Cherokees further up.

Q Now, saw any Cherokees from this country that you know that were down there in that country? A The Wrights, I think some of them was living there.

Q What Wrights, Connel and Eli? A (No response)

Q You come back to Sequoyah district didn't you? A Yes sir.

Q You lived down there a while? A Yes sir a little while.

Q Where did you see this woman and her mother first after the war?

A I saw them at Tahlequah the first time.

Q Where were they living in Tahlequah? A Right in the rear end of town, right in the edge of the brush.

Q In a house? A Yes sir.

Q Was this woman with her mother then? A Yes sir, they was all together.

Q And her step father? A Yes sir.

Q And whether mother had some other sisters living there?

Q Her mother's sisters I don't know.

Q This woman's sisters then? A Yes sir this girl's sisters was there.

Q Do you know how long they staid there? A No sir.

Q You are positive that you saw them? A Yes sir.

Q What were they doing? A Trying to work for a living.

Q Did you ever stay all night with them? A No sir.

Q Did you ever go there to their house? A Yes sir.

Q What kind of a house did they have? A A little log house.

Q Do you know any one that was living with them? A Only their own family.

Q Are you positive as to the year that you saw them? A It was '66 because it was the year after I come up there.

Q Are you willing to swear that it was '66? A Yes sir.

Q What was the step father doing? A Trying to make a living, cutting wood and such like.

Q Have you ever been tried by any of the courts for anything, have you ever been up before the Court South court? A Yes sir.

Q And tried there? A Yes sir.

Q Were you tried in the Cherokee court? A Yes sir.

Q What for? A Selling timber.

Q Were you ever up before the court at Vinita? A Yes sir.

Q They indicted you for kid-napping there didn't they? A Yes sir.

Q You never knew this woman until she was in the Choctaw nation? A No sir.

The Court then called Mrs. Riley applies for herself and a grand child named Rosa McHair, four years of age; the applicant is not found on the then indicated roll of 1880 or the census roll of 1890; she is identified on the Kern Clifton and Wallace rolls; she avers that she is the child of Martha Thompson and the name of her mother is not found on any of the rolls of the Cherokee Nation. She avers that Rosa McHair is the child of her daughter, Dora and that Dora's husband was one Alf McHair, and the name of Rosa's father was the

said Dora McHair is found on the Fern Clifton roll as Dora Rider which was the name that the said Rosa applicant's husband sometimes went by. She avers that the said Dora is not now living. The name of the said Mary Riley and her grand daughter Rosa McHair will be listed for enrollment as Cherokee freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission. It will be necessary for her to file satisfactory proof of the birth of the said Rosa McHair, her name not being found on any of the rolls of the Cherokee Nation in the possession of the Commission.

Chas. vonWeise, being sworn, states that as stenographer for the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(Signed) Chas. vonWeise.

Subscribed and sworn to before me on the 24th of June, 1901, at Nowata, I. T.

(Signed) T. J. Hodges,

Commissioner.

File with Mrs. Riley, C. F. D-601.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 27, 1901.

In the matter of the application of Mattie Black for enrollment as a Cherokee freedman.

Supplemental testimony.

Appearances:

Mattie Black, applicant;
W. Hastings, Attorney for applicant;
W. Hastings, of Counsel for Cherokee Nation.

Mattie Black called, being duly sworn, by Commissioner Hodges, testified as follows:

- Q State your name? A Mattie Black.
- Q Do you know Mattie McHair? A Yes, sir.
- Q In she related to you? A Yes, sir.
- Q What? A She is my niece.
- Q What was Mattie's mother named? A Nan Vana.
- Q Is she living or dead? A She is dead.
- Q When did she die? A She has been dead about some two or three years I think.
- Q Where was she living when she died? A Living down here on Brushy.
- Q Living in the Cherokee Nation? A Yes, sir.
- Q How old is that girl? A I don't know exactly.
- Q Born before the war or since? A Born since the war.
- Q Where? A Down here in this part.
- Q In the Cherokee Nation? A Yes, sir.
- Q Was her mother, your sister, a slave? A Yes, sir, she was my sister, a slave.
- Q Who did she belong to? A Jane Morgan.
- Q Was Jane Morgan a citizen of the Cherokee Nation? A Yes, sir.
- Q Where did she live before the war commenced? A In Going Snake district.
- Q What became of your sister during the war, this girl's mother; was she taken out, or stay in the nation? A Yes, sir, taken out.
- Q Where was she taken to? A Cheat Mountain.
- Q When did she come back? A In '66.
- Q Where did she come? A Webster's Falls.
- Q How long did she stay about Webster's Falls? A About four or five weeks I reckon.

Q Then where did she go to? A We went back in the Choctaw Nation.
Q Then when did you return to the Cherokee Nation after that?
A We returned back, we were down back in the Choctaw Nation about six or seven years or maybe longer and came back then and came to Gibson.

Q Fort Gibson, in the Cherokee nation? A Yes, sir.
Q You know where this girl was born? A She was born at Tahlequah.
Q When did her mother go to Tahlequah? A She stayed to Tahlequah a while and then she came up here and then she went down to Tahlequah, we stayed to Tahlequah after we came in.

Q When was that? A After we came in.
Q The first or second time? A The last time.
Q With whom did you stay when you came back here in '66? A Why I stayed a while at Webbers Falls as I told you and we went back, we didn't stay with anyone, we returned back.

Q Who do you mean by we? A My mother and sisters.
Q This girl's mother? A Yes, sir, and my mother.
Q What did you go back to the Choctaw Nation for? A Times was so hard we couldn't get along here.

Mr. J. S. Davenport, Cherokee attorney: Did you go out of the Choctaw Nation with your sister? A Yes, sir, they carried us out.

Q And return wither? A Yes, sir.
Q Well, who returned with you in the crowd back to Tahlequah or in that country? A My mother and sisters.
Q Anyone else, any other families? A No, sir.
Q Came back alone? A Yes, sir.

Mr. Smith: Who is Mary Riley? A That is my sister.
Q How old is your sister? A I don't know exactly how old.
Q Was she born before or after the war? A She was born in time of the war.

Q What was your mother's name? A Martha.
Q Who was it that came back here to Webbers Falls in '66, what members of your family? A My mother, she is on the roll there Martha Smith.

Q Who else? A As I told you, my mother and all of my sisters.
Q What were your sisters, name them? A Mary Riley now, and Nancy, the girl's name, and Nancy and myself.

Q Where did Mary Riley, did she go back to the Choctaw Nation with you when you went back? A Yes, sir, she was just a child.
Q And when did she come back? A Yes, sir.
Q And when did she come back to the Cherokee Nation? A Came back when we all came back again.

Q Where has she been living ever since? A Lives over here on Panther Creek.
Q In the Cherokee Nation? A Yes, sir.

Q Has she been living there ever since she came back from the Choctaw Nation with her mother? A Yes, sir.
Mr. Davenport: How old was Mary when she came back from the Choctaw Nation? A I don't know exactly how old she was.

Q How old was she? A She was a good big girl, when we came back.
Q Grown? A No, sir, not quite grown.
Mr. Smith: I want it filed in Mattie McHair's card and in Mary Riley's case, (D624).

Court Reporter: This testimony will be filed in the case, D-620, and Mary Riley, enrolled on D-624.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.
Shorn to and subscribed before me this the 29th of July, 1901.
(signed) M. D. Green,
Notary Public.

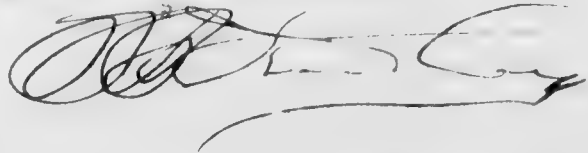
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M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D. Green

Subscribed and sworn to before me this August 10, 1901.



Commissioner.

(C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes
Nowata, I. T., June 27, 1901.

In the matter of the application of Mattie McNair for
enrollment as a Cherokee Freedman.

Supplemental testimony.

Appearances:

Mellette & Smith, attorneys for applicant:
W. W. Hastings, of Counsel for Cherokee Nation.

KATIE BLACKWELL, being duly sworn by Commissioner Needles
testified as follows:

- Mr. Smith: State your name? A. Katie Blackwell
- Q Do you know Mattie McNair? A. Yes, sir
- Q Is she related to you? A. Yes, sir.
- Q What? A. She is my niece.
- Q What was Mattie's mother named? A. Nan yana.
- Q Is she living or dead? A. She is dead
- Q When did she die? A. She has been dead about some two or three
years I think.
- Q Where was she living when she died? A. Living down here on
Brushy.
- Q Living in the Cherokee Nation? A. Yes, sir
- Q How old is that girl? A. I don't know exactly.
- Q Born before the war or since? A. Born since the war
- Q Where? A. Down here in Tahlequah.
- Q In the Cherokee Nation? A. Yes sir.
- Q Was her mother, your sister, a slave? A. Yes, sir, she was my
sister, a slave.
- Q Who did she belong to? A. Jane Morgan
- Q Was Jane Morgan a citizen of the Cherokee Nation? A. Yes sir
- Q Where did she live before the war commenced? A. In Going-
Snake district.
- Q What became of your sister during the war, this girl's mother;
was she taken out, or stay in the Nation? A. Yes sir, taken out
- Q Where was she taken to? A. Choctaw Nation.
- Q When did she come back? A. In '66
- Q Where did she come? A. Webber's Falls
- Q How long did she stay about Webber's Falls? A. About four or
five weeks I reckon.
- Q Then where did she go to? A. We went back in the Choctaw Nation.
- Q Then when did you return to the Cherokee Nation after that?
- A We returned back, we were down back in the Choctaw Nation about
six or seven years or maybe longer and came back then and came to
Gibson.
- Q Fort Gibson, in the Cherokee nation? A. Yes sir
- Q You know where this girl was born? A. She was born at Tahlequah
- Q When did her mother go to Tahlequah? A. She stayed to Tahlequah
a while and then she came up here and then she went down to
Tahlequah, we stayed to Tahlequah after we came in.
- Q When was that? A. After we came in
- Q The first or second time? A. The last time
- Q With whom did you stay when you came back here in '66?

Mattie McWair----2

- A Why I stopped a while at Webbers Falls as I told you and we went back, we didn't stay with anyone, we returned back.
- Q Who do you mean by we? A. My mother and sisters
- Q This girl's mother? A. Yes sir, and my mother.
- Q What did you go back to the Choctaw Nation for? A. Times was so hard we couldn't get along here.

- Mr. J. C. Davenport, Cherokee attorney: Did you go out of the Choctaw Nation with your sister? A. Yes, sir, they carried us out
- Q And return with her? A. Yes, sir.
- Q Well, who returned with you in the crowd back to Tahlequah or in that country? A. My mother and sisters.
- Q Any one else, any other families? A. No sir.
- Q Came back alone? A. Yes sir.

- Mr. Smith: Who is Mary Riley? A. That is my sister
- Q How old is your sister? A. I don't know exactly how old.
- Q Was she born before or after the war? A. She was born in time of the war.
- Q What was your mother's name? A. Martha
- Q Who was it that came back here to Webbers Falls in '66, what members of your family? A. My mother, she is on the roll there Martha Knight.
- Q Who else? A. As I told you, my mother and all of my sisters who were your sisters, name them? A. Mary Riley now, and Nancy, this girl's mother, and Nancy and myself.
- Q Where did Mary Riley, did she go back to the Choctaw Nation with you when you went back? A. Yes sir, she was just a child.
- Q Her mother took her back? A. Yes sir
- Q And when did she come back to the Cherokee Nation? A. Came back when we all came back again.
- Q There has she been living ever since? A. Lives over here on Panther Creek.
- Q In the Cherokee Nation? A. Yes sir.
- Q Has she been living there ever since she came back from the Choctaw Nation with her mother? A. Yes sir

- Mr. Davenport: How old was Mary when she came back from the Choctaw Nation? A. I don't know exactly how old she was.
- Q How large was she? A. She was a big, big girl, when she came back grown? A. No sir, not quite grown.

Mr. Smith: I want this filed in Mattie McWair's card and in Mary Riley's case (D 624)

Commissioner: This testimony will be filed in the case D-629, and Mary Riley, enrollment D-624.

Bruce C. Jones, being duly sworn, says that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE C. JONES.

Subscribed and sworn to before me this the 9th of July, 1901

(Signed) T. A. Veadles.

The undersigned, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of the original transcript.

Lily M. Bowman

Subscribed and sworn to before me this 22nd day of March, 1906

D. P. Rasmus
Notary Public

File with Cherokee Freedman, D-629, *the five tribes*

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Blackwell for the enrollment of herself, one son, one niece and a nephew as Cherokee Freedman: she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Katie (Goody) Blackwell.
Q How old are you? A I don't know my age, somewhere about 55 years old, I guess.
Q What is your postoffice address? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Is your name on any of the Cherokee rolls? A On the Wallace and Clifton Roll.
Q Who do you want to enroll besides yourself? A I got six children
Q Give me the names of your children? A Henry Chambers.
Q How old is he? A About 26.
Commissioner: He must apply for himself.
Q Have you any under age? A I have two under age.
Q What are their names? A Gertie Tinnon.
Q How old is she? A About 16.
Q What is your other child's name? A Thomas Ross.
Q How old is Thomas Ross? A About 18.
Q Are you married? A Yes, sir.
Q What is your name? A Katie Goody.
Q What is your husband's name? A I got my papers here. My first husband is dead, Lucius Blunt.
Q You were married at one time to Lucius Blunt? A Yes sir.
Q Is he living? A No sir.
Q Was that your first husband? A Yes sir.
Q Who was your second husband? A John Blackwell.
Q Is he living? A Yes sir.
Q Did you separate from him? A No sir, I am living with him now.
Q How does your name happen to be Goody? A I married a Goody; I married Lewis Goody, some called him Lewis Blunt, but his name is Lewis Goody.
Q Have you been married twice? A Yes sir, I have been married three times.
Q Who was your first husband? A Thompson.
Q He is not living? A No sir.
Q Your second husband was Blackwell? A My husband now is Blackwell.
Q Is your name Blackwell now in place of Goody? A Yes sir, Blackwell.
Q You first married Blunt? A Yes sir.
Q He is dead? A Yes sir.
Q Who did you marry next? A Blackwell.
Q Your second husband was named Thompson, wasn't it? A Yes sir.
Q Is he living? A Yes sir.
Q Did you get a divorce from him? A No sir.
Applicant presents a certificate of marriage certifying that she married one John Blackwell according to the laws of the United States on the 6th day of February, 1899.
Q What did you marry Blackwell for before you got a divorce from Thompson? A I don't know, Mr. Thompson was divorced, I guess; he married again.
Q Is Gertie Tinnon your child? A That is my niece.
Q Have you any children of your own? A No sir, none but a boy.
Q What is his name? A Thomas Ross.

- Q Is he your child? A Yes sir.
- Q You are the mother of Thomas Ross, are you? A Yes sir.
- Q How about this Gertie Tinnon, you say she is your niece?
A Yes sir.
- Q What is her mother's name? A Dicey Tinnon.
- Q Is she living? A No sir, she is dead.
- Q What relation is Dicey Tinnon to you? A My sister.
- Q Were you a slave during the war? A Yes sir.
- Q Who did you belong to? A Mary and Tom Sanders.
- Q Were they citizens? A Yes sir.
- Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
- Q Where to? A Choctaw Nation.
- Q You were not taken any farther South than in the Choctaw Nation?
A No sir.
- Q When did you come back? A I come back in '66; I come to Gibson.
- Q You came to the Cherokee Nation in '66? A Yes sir.
- Q You have lived in the Cherokee Nation ever since '66? A Yes sir.
- Q Never went back to the Choctaw Nation? A I went back to the
Choctaw Nation and come again.
- Q When did you go back to the Choctaw Nation? A I went back after
'66, come to Webbers Falls in '66.
- Q When did you come back from the Choctaw Nation the second time?
A Come back - I forget.
- Q How long did you live down in the Choctaw Nation after we went
back? A I lived there six years after I first come here.
- Q And then come back here? A Yes sir.
- Q Did you marry down there? A Yes sir.
- Q Did you marry a Choctaw? A Yes sir, married a Choctaw.
- Q What was his name? A Albert Thompson.
- Q Albert Thompson was a Choctaw then? A Yes sir.
- Q Have you ever applied to be enrolled by the Choctaws? A No sir.
- Q Have you got any children by Thompson? A Yes sir.
- Q They are grown, are they? A Yes sir.
- Q Where was Thomas Ross born? A Over here on Panther Creek.
- Q Where was Gertie Tinnon born? A On Panther Creek.
- Q Both in the Cherokee Nation? A Yes sir.
- Q Your sister Dicey is dead? A Yes sir.
- Q Did she belong to the same persons that you did? A She belonged
to the same persons I did.
- Q Did she go out with you to the Choctaw Nation? A Yes sir.
- Q Did she come back with you? A Yes sir.
- Q But she lived in the Choctaw Nation until she died? A No sir,
she died here.
- Q Did she come back to the Cherokee Nation with you? A Yes sir.
- Q And she lived in the Cherokee Nation then until she died?
A Yes sir.
- Q Have you got any proof, any witnesses? A Yes sir.
- Q Who are they? A Charles Chambers and Jim Alberty.
- The 1880 authenticated roll and the 1896 census roll of the
Freedmen of the Cherokee Nation examined and the names of
the applicant and her deceased daughter are not found thereon.
- The Kerns Clifton Roll examined and the name of the appli-
cant is found on page 162, No. 4013, Katie Coody, Coowees-
coowee District.
- Q Did you draw money for Gertie and Tom? A Yes sir, the last
payment.
- The Kerns Clifton Roll examined and the name of Gertie
Tinnon is found on page 171, No. 4214, in Cooweescoowee Dist.
- Q What is the name of the child, you have another you want to en-
roll? A Lunnie Tinnon.
- Q How old is Lunnie Timmon? A About 12 years old.
- The Kern-Clifton Roll examined for Lunnie Tinnon and his

name is found on page 171, No. 4213, in Cooweescoowee Dist.

Q Where does Lunnie live? A He lives in Sequoyah District with my sister. My sister is dead and my brother-in-law has got him, Mr. Johnson Vann.

Q Wont he enroll him? A No sir, he aint been here to enroll him. The Kerns Clifton Roll examined and the name of the applicant's son is found on page 171, No. 4207, Tom Ross, Cooweescoowee District.

Q You had a husband named Ross? A No sir, I had a child named Ross L. B. Bell: You say Lunnie lives in Sequoyah? A Yes sir, where Johnson Vann lives.

Q What authority have you got to put him on? A I thought I would put him on; my sister is dead. My sister died down here at Brushy.

Q Are you guardian for him -- we don't want two put on? (No answer).

Q Where was this child born at? A Born right over on Panther Creek they were all born over there.

Q How long has his mother been dead? A I reckon she has been dead about five years if I aint mistaken.

Q Is she on the roll of 1880? A No sir.

Q Are you on the roll of 1880? A No sir.

Q When was this Lunnie born? A I don't know exactly.

Q Where was it? A Over here on Panther Creek, right across south of Lightning Creek.

Q In Cooweescoowee District? A Yes sir. My sister died after the Wallace payment.

Q You married in the Choctaw Nation after you went back in 1866?

A Yes sir.

Q How long did you stay here after you came here in '66? A About one year.

Q You are certain that you didn't live there about six years? A I went back and stayed about six years.

Q Where did you land at in the Cherokee Nation when you came back?

A I come to Webbers Falls and when I last returned I come to Webbers Falls and then to Gibson.

Q The first time you came to Webbers Falls? A Yes sir, and then to Gibson.

Q Did you stop at Webbers Falls any length of time? A No sir.

Q You say you came to Gibson, did you stop there any length of time? A When I come, I come to Webbers Falls; I come from Webbers Falls to Gibson, and when I went to the Choctaw Nation.

Q After you came back from the Choctaw Nation? A I came to Gibson and then up to Tahlequah.

Q How long did you stay at Tahlequah? A I stayed at Tahlequah about six or seven years.

Q Who did you live by there? A There was a lot of folks there.

Q Name some one that aint dead? A Miss Barnes.

Q Aint she dead? A I don't know.

Q Name a live one? A I don't know; Packs was here and Thompson.

Q These Packs were there then? A Yes sir.

Q Did you live right in Tahlequah? A I went up on Henry Nave's place and from there to Susanna Ross' place.

Q You stayed at Henry Nave's place the first time after you came back from the Choctaw Nation? A Yes sir.

Q These Packs know you? A Yes sir.

Q You came directly to Gibson from the Choctaw Nation and on to Tahlequah? A Yes sir, when I first come inside of the limits.

Q Leave that out, and go to where you started from the Choctaw Nation the second time? A I came through to Webbers Falls and stayed one year at Gibson.

Q You said you came to Webbers Falls, stayed a year, came to Gibson and stayed a year and then went back to the Choctaw Nation? A If I did I mixed it up. I said I come to Webbers Falls and from Webbers Falls to Gibson and stayed there one year, and then went back to

the Choctaw Nation.

Q Begin now, you stayed in the Choctaw Nation six years, and then you started back here - where did you come to on the second trip?

A I come to Gibson and from Gibson to Tahlequah.

Q You come through Gibson and went on to Tahlequah? A Yes sir.

Q Then you stopped and stayed on Henry Nave's place one year?

A Yes, sir, one year.

CHARLEY CHAMBERS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charley Chambers.

Q How old are you? A Seventy years old.

Q What is your postoffice? A Hudson.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know the applicant here, Katie Blackwell? A Yes sir.

Q How long have you known her? A I have been knowing her ever since the war commenced.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A She belonged to James Sanders.

Q Do you know whether she was taken out of the Cherokee Nation during the war? A She wasn't taken out that I know of; yes, she was out of the nation.

Q Where did she go to? A To the Choctaw Nation.

Q Do you know when she came back to the Cherokee Nation? A She come back, the first I saw of her along in '66.

Q You saw her in '66? A Yes sir.

Q Where? A I saw her at Gibson the first time.

Q Have you seen her occasionally since that time? A I seen her then again at Tahlequah.

Q After that? A Yes sir.

Q Where did you see her after that? A I never seen her no more after that. I never seen her anymore until she come back again.

Q She went to the Choctaw Nation? A She went back to the Choctaw Nation and I never seen her until she come back again.

Q How long, five or six years? A Yes sir, as much as five or six years.

Q Have you seen her occasionally since that time? A Yes sir.

Q She has lived in the Cherokee Nation since that time? A Yes sir.

Q Do you know her children? A I know them when I see them; I just can't name them all.

Q Do you know Gertie Tinnon? A I know her, yes, sir, when I see her.

Q Do you know the boy, Lunnie? A Yes, sir.

Q Is he living? A Yes, sir, he was living with her when I first knew him.

Q You don't know whether he is alive to-day or not? A No sir. I don't.

L. B. Bell What time in the year 1866, did you see this applicant?

A It was along in the spring when I seen her.

Q That is along in April or May? A Somewhere along there; I couldn't tell you the month, anyhow the grass and leaves were out.

Q What were you doing in Gibson then? A I was riding around.

Q Just riding around? A Riding around, sir.

L. B. Bell of Applicant: Who brought you back to Webbers Falls?

A I come back myself, me and my mother.

Q Nobody in your crowd? A No sir.

Q Where did you start from when you started back to Webbers Falls?

A I started back home.

Q Where did you start from? A From the Choctaw Nation.

Q The Choctaw Nation is a good big place? A From Salt Creek.

Q Old Dave Thompson's Salt Creek? A Yes sir.

Q Close to Boggie Depot? A Yes sir.

- Q. What time of the year did you start from there in 1867?
- A. Why it was along in the spring.
- Q. The grass was up, was it? A. Yes sir.
- Q. How did you come? A. Come by wagon.
- Q. About how long was you on the road? A. Well, I don't know, sir, how long we were on the road.
- Q. A month, I guess it was one hundred miles or two? A. I guess it was, I don't know how far it is from here to the Choctaw Nation.
- Q. I mean from Thompson's Salt Creek down to Webbers Falls? A. I don't know how far.
- Q. Were you as much as three weeks on the way? A. Yes, and maybe four.
- Q. How long did you stop at Webbers Falls? A. We didn't stop very long at Webbers Falls.
- Q. A week or two? A. About one week or two.
- Q. And then you came to Gibson? A. Yes sir, came right on through.
- Commissioner of Applicant: Your first husband's name was Thompson?
- A. Yes sir.
- Q. Your second husband was Blunt? A. Yes sir.
- Q. Your third husband was Blackwell? A. Yes sir.
- Q. What was your father's name? A. His name was, as good as I can recollect, his name was John Fox.
- Q. Do you know what your mother's name was? A. Martha Downing.
- Q. Who did you say you belonged to? A. Mary Sanders and Tom Sanders.
- L. E. Bell: Are they both dead? A. My master is dead. I don't know whether Mary is dead or not.

JIM ALBERTY, being sworn and examined by Commissioner L. E. Needles, testified as follows:

- Q. What is your name? A. Jim Alberty.
- Q. How old are you? A. 70 years old.
- Q. What is your postoffice? A. Chouteau.
- Q. Are you a Freedman? A. Yes sir.
- Q. Your name is not on the roll of 1860, is it? A. No sir.
- Q. Do you know the applicant here, Katie Goody or Katie Blackwell?
- A. Katie Goody, yes sir.
- Q. Was she a slave before the war? A. Yes sir.
- Q. Who did she belong to? A. To the Sanders.
- Q. Do you know whether she was taken out of the Cherokee Nation or not during the war? A. Yes sir.
- Q. Where to? A. She went South.
- Q. To the Choctaw Nation? A. Yes sir.
- Q. Do you know when she returned? A. Yes sir.
- Q. When? A. In '66.
- Q. How do you know that? A. I saw her at Gibson in '66.
- Q. Do you know how long she stayed in the Cherokee Nation at that time? A. No sir.
- Q. You don't know whether she went back to the Choctaw Nation or not? A. No sir.
- Q. But you saw her in '66 in the Cherokee Nation? A. Yes sir.
- Q. Did you know her then? A. Yes sir.
- L. E. Bell: What time in the year of '66 did you see her? A. It was kind of warm weather. I don't know exactly what time.
- Q. Was it summer or spring? A. I think it was summer. It was warm.
- Q. Were you living then at Gibson? A. No sir, I never lived at Gibson; never was there but three days at a time in my life.
- Q. You just happened to be there that day? A. Yes sir, I used to go there pretty often.
- Q. Did you see her there pretty frequently for the next two or three years? A. No sir.
- Q. Did you see her anymore? A. No sir.
- Q. You saw her at that time? A. Yes sir.
- Q. Where did Sanders live when she belonged to? A. They lived close to Flint at that time, I reckon it is.
- Commissioner Needles: In Flint District you mean, do you?
- A. Yes, sir, I thought it was Flint.
- L. E. Bell: Were you ever at the house? A. Yes sir, I have been

at the house; that is not right at their house, I met them at a church

Q Was someone in that neighborhood? A I wasn't acquainted there.

Q You seemed to be, you knew this woman pretty well? A They were raised with me. Sanders' aint the first people that raised them.

Q They were raised on a place with you? A Not here, but older people.

Q I am asking you what you know about her? A I told you what I know about her.

Q You don't know where she did live, only that she lived in the nation? A That is all, I never was at her house.

Q You never seen her until you met her in '66? A Yes sir, I saw her before.

Q Where did you see her before? A On Peavine Creek near the Whitmire place.

Q That was a creek down in Goingsnake district, wasn't it?

A I don't know where it was.

Q What did you understand by Peavine? A That is what they called it, the Creek, Peavine.

Q Was you ever down on Peavine? A Yes sir.

Q When? A Before the war, I come from there.

Commissioner Needles: You say Sanders' lived in Flint District?

A I don't know exactly; it was down in that way.

Q You are not positive whether it was Flint District or not?

A No sir.

Commissioner of Applicant: You know that these three children, Gertie Tinnon, Lunnie Tinnon, and Thomas Ross are alive now are they?

A Yes sir, I brought the little girl with me.

Q Where is your boy? A He is in jail.

Q Who is Lunnie living with? A He is living with Johnson Vann.

Katie Blackwell applies for the enrollment of herself, her sister's children, Gertie Tinnon and Lunnie Tinnon, and her child, Thomas Ross. She avers that she was a slave of the Sanders family, Mary and Tom Sanders. She avers that she was taken out of the Cherokee Nation into the Choctaw Nation, and returned in '66. Her name is not found upon the authenticated roll of 1880, nor the census roll of 1896. Her name is found upon the Kerns Clifton Roll, and the name of the three children, Gertie Tinnon, Lunnie Tinnon and Thomas Ross, are found upon the Kerns Clifton Roll. She avers that she has been married three times; first, to Thompson; second, to one Blunt or Coody, and thirdly, to her present husband, John Blackwell. She is duly identified according to page and number of the roll as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that her name is not found upon the authenticated roll, and of the protest of the Cherokee Nation, she and the children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. When the Commission arrives at a decision in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rothmberger.

Subscribed and sworn to before me this 20th day of May, 1901.

Signed, C. R. Brockbridge,
Commissioner.

* * * * *

Bruce G. Jones, being duly sworn, says that as stenographer to

U.S. DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

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the commission to the Five Civilized Tribes has copied the foregoing, and that the same is a true and correct copy of the original.

Princet Louis

Sworn to and subscribed before me this the 15th of August, 1901.

[Signature]

Commissioner.

N

FD 629

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
SEP 18
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | s. s.
NORTHERN DISTRICT. |

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

NOTICE!

IN THE MATTER OF The application of *Wattle H. [unclear]*
for enrollment as a Cherokee Freedman

Case No. F. D. [unclear]

To *[unclear]* [unclear] [unclear]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **28 o'clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *[unclear]* day of *[unclear]*, 1901.

W. W. Hastings
J. B. Davidson
Attorneys for the Cherokee Nation.

1
- 2 -
knew her or not, I have forgot.

Q Now when did you know Katie and Dicey and her mother first?

A Well, we were on a little creek they called Sandy.

Q In what Nation or State? A In the Choctaw Nation, near Cherokee Town, about eight miles below Cherokee Town on the Washita River, close to the Washita River, between Cherokee Town and old Fort Arbuckle, it was about the same distance I reckon from that.

Q About the same distance from Cherokee Town and Fort Arbuckle?

A Yes, sir, just about the same distance between them, it wasn't just on the Arbuckle road.

Q When was it you knew them first, how long had you been over there? A Well sir, I can't tell you, I had been there though, I think though about four years, but just the time I can't tell you the day or the time.

Q Well where, about four years? A It was in the Chickasaw Nation.

Q Well when did you leave the Chickasaw Nation? A I left the Chickasaw Nation in about '74 I guess.

Q Where did you go to? A Came to Tahlequah.

Q Who came with you to Tahlequah? A These people.

Q Just go ahead. I want you to specify them? A Martha Thompson, that was Sid's wife, and Charley Blagburne.

Q Who was Charley, what relation was he to Martha? A Charley Blagburne was Martha's son.

Q Give all of Martha's children that was along that you can remember? A Well, there was Katie Thompson and Dicey Sorrell and Tempie Thomas and Nan Hailstock, and Mary Ann, that was her youngest child.

Q Was Tempie married? A Yes, sir.

Q Who was she married to? A Charley Thomas.

Q Well, where was Charley and his wife living when you first knew her? A They were living there on that Sandy road about half a mile or three quarters from the old lady, from her mother.

Q Did Tempie come up with you? A Yes, sir, I brought her in my wagon, she is the one I hauled up here.

Q How many wagons did you have along in that crowd? A Three.

Q Now all these people you have mentioned you brought up, did you?

A I brought up Dicey and Tempie in my wagon.

Q Well, these others that you mention came along in the same crowd?

A Yes, sir, they were all the same.

Q Through what district did you come? A Well now I can't tell you.

Q I mean up in this country, I don't mean below? A Well we came through Fort Gibson.

Q How long did you stop here? A I didn't stop here but a few minutes, just stopped there in town and drove on through.

Q Did they say anything about having been here before? A No, sir, never said anything to me about it.

Q Made no mention about it? A No, sir.

Q You went on to Tahlequah? A Yes, sir, I went on out to Mr. Lennis' out here and left the Sorrell family, it was on the Four Mile Branch to Mr. Dennis.

Q Was Katie married when you first knew her? A Yes, sir.

Q Was Dicey? A Yes, sir.

Q Were they keeping house down there or not: what were they doing?

A Well, when I first knew them they were not keeping house, they were in the house with the old lady, but they did keep house shortly after that.

Q What were they doing for a living down there? A Well, Sorrell was a barbering around and sometimes he would farm around a little.

Q What was Thompson, Katie's ~~husband~~ husband? A Well, he was just working around for wages, and making a little patch.

Q What was Martha's husband, Sidney? A He was farming, had a little place of his own there.

Q Was Tempie married when you first knew her? A Yes, sir.

Q Did any of these people marry after you became acquainted with them down there? A Charley Blagburne I think married down there.

Q Do you remember how many children Katie had when she came up with you? A Let's see, I will have to count them up a little and see if I know, there was Jess and Henry and a girl they called, her nick name was Pude, I forget what her right name was, but they called her Pude, and a little boy named Dan, I believe that is all she had.

Q Well, do you remember whether Dicey had any children when she came up? A She had one or two, I know she had children, I think two children but it kinder seems to me like one of the children was born here, but I won't be certain about it.

Q Well did Tempie Thomas have any children? A Yes, sir, she had two children.

Q I mean when you came up here? A Yes, sir, I think she had two when we came up here, a girl died, ~~the~~ one she brought here.

Q Do you remember their names? A The boy, Will was his name.

Q Did you mention one of them by the name of Nancy a while ago, one of Martha's children? A Yes, sir, Nan.

Q Was she married? A Yes, sir, Hailstock.

Q Did she come with you? A Yes, sir.

Q Did she have any children? A Yes, sir.

Q What was their names, do you remember? A I think one of them was named Mat, I have mighty nigh forgot them children's names, Mat and Martha, seems like one was named Martha, I think Martha is dead though, there isn't but one of the girls living that she brought here.

Q Why do you fix the date of '74 as the date of your coming out with these people? A Well, the reason why that, I was taking the figures in this way; when we come it was the year, we came the fall before the first ten dollars, that bread money was paid out, and that was paid out in '75 that was.

Q And you came the fall before that payment? A And we came the fall before that payment and that is why I have give it about in '74, about the time then additions was put up at the seminary.

Q How far did these people live apart in the Choctaw Nation?

A The families?

Q Yes? A Well they lived, Tempie lived about between half a mile and three quarters from their mother.

Q Was they all in the same neighborhood? A Yes, sir, all right in the same neighborhood.

Q Did you know Jim Ross down there? A Yes, sir.

Q Was he there when you first went over? A I don't know sir whether he was or not.

Q What other people lived around in that neighborhood, any chick-asaws or freedmen, people living there? A Yes, sir, Zach Cardinet and old lady Howell, I don't know her name, and she had a son by the name of John Howell, and then she had a son was a doctor, they all called him Doctor Howell, I don't know what his name was only Doctor Howell, and they was about the closest around; the others was chick-asaws, had Chickasaw names, Nelson Chigley and several others; there was another man lives right close there but I don't remember his name, I was well acquainted with him too but I have forgot him.

Q Now about how long did you say you knew these people there before you moved out with them? A About four years.

Mr. Mellette: How old are you? A About 50 I guess.

Q Are you a freedman citizen of the Cherokee Nation? A No, sir, I am not.

Q You claim to be? A No, sir.

Q Where does this woman live now you have been talking about?

A Which one?

Q Katie Blackwell? A I don't know, sir, she lives somewhere out

on the --

Q How long since you have seen her? A I haven't seen her for about eight or ten years I reckon.

Q How long has it been since you came here with her, how many years? A Why I don't know just how many years, that is something I don't keep the date, I came here in about '74.

Q Well now you figure it out how many years you have been here, you say it was '74 when you came here, how many years has it been?

A I can't tell you, without I sit down and it take me I don't know how long to count it.

Q How do you know it was '74 you came here? A Reason I know it, I am going by the time that that money was paid out, I came the fall before that ten dollars was paid out.

Q How do you know that money was paid out in '74? A Well I am giving the time.

Q How do you know that money was paid out in '74? A Well I don't know it.

Q What year did you go to Texas in? A I don't know that.

Q Where do you live? A I live at Tahlequah.

Q How long have you lived there? A Lived there about something over 26 years or maybe longer, I have lived there ever since I came to the country.

Q Right in Tahlequah? A Right around Tahlequah.

Q Why can't you tell what year you went to Texas? A Why I was a boy, a little fellow, I don't know anything about it, I was carried there by my owners.

Q What year did you go into the Chickasaw Nation from Texas?

A I don't know, sir.

Q Can't you give an idea? A No, sir, I can't.

Q How is it then that you remember the year you came to this country and don't remember anything else or any other year? A Well sir, I don't know, I don't remember that only by the time, I got the count of the time that I came here, what was done, and figured it up from that time.

Q Now look here, you don't know anything about the payment in 1875, you don't remember that any payment took place in '75 do you? A Yes sir I do.

Q Do you remember the year? A I remember the payment.

Q Do you remember it was in '75? A Well I am just going by the time, according to the time I got here.

Q How do you know that any payment took place in 1875 here? A Well they paid ten dollars here.

Q How do you know it was '75? A It was the spring after I came here in the fall.

Q Well what year did you come here? A Well we must have come here in '74.

Q Why? A Because the money was paid out the next spring.

Q Well what year was that money paid out? A In '75.

Q How do you know? A Just because I know when I come here.

Q How do you know that that money was paid out in '75; answer that question; now answer it straight? A Simply because I was here when it was paid out.

Q Will you answer my question; how do you know it was 1875? A Well sir, I will tell you as near as I can come at it, the time that they put up that seminary out there, I am going according to the time that there is people that figured up the time.

Q Who figured up the time for you? A Well I don't know as anybody has figured it up for me, only I am going by the year what the people counted that this seminary was put up, in 1875, just the people at large; now that is the way I get at it.

Q You are testifying from what the people at large said about the date? A Yes, sir, that is the way it is.

Q Well, do you know that the woman you have been talking about here, Katie, is the woman who has applied here for citizenship? A If

it is Katie Thompson it is.

Q If it is Katie Thompson it is? A Yes, sir, the mother of Henry and Jessie and these other children.

Q Who else was she the mother of? A Duda and I believe that is all.

Q Now give the names of Katie's children, all you know? A Well Jessie and Henry and Duda and Dan, Duda was a nick-name I think, I don't know, the child might have had some other name, but that is the mother of them children.

Q Do you know these two women here (indicating Lucinda Blackwell and Ann Williams)? A No, sir.

Q Ever see them? A If I did I don't know it.

Q Don't you know they were children of Katie Blackwell, the applicant here? A No, sir, I don't know it.

Q Did they come from Texas with you when you say you came here with this woman Katie? A I don't know whether they did or not.

Q Well you ought to know it?

Mr. Hastings: You needn't argue the point.

Q I will ask you if they came with you from Texas, with Katie Blackwell, when you say you came with them? A I don't know whether they did or not.

Q Look at them? A Well it has been ten years since I have seen them.

Q You have seen the family of Katie Blackwell within ten years?

A I have seen her, I haven't seen her whole family, her children, more than Henry and Jessie, I have seen them.

Q How old is Henry? A I don't know, sir.

Q How old is Jesse? A I don't know how old he is.

Q Did Katie have a child by the name of James? A No, sir, not as I know of.

Q James Ross? A Not as I know of.

Q You say that Katie Blackwell has a sister by the name of Dicey?

A Yes, sir.

Q What other name did she have besides Dicey? A Dicey Sorrells.

Q Did they ever call her Dicey Tinnon? A I don't know, she might have got that Tinnon name after she came here.

Q I ask you if she was ever called Dicey Tinnon? A I don't know.

Q You never knew of her being called Dicey Tinnon? A They might have, that might have been her name.

Q Did you ever know of her being called Dicey Tinnon? A Yes, sir.

Q What do you mean by testifying that way, didn't you say just now that she might have been called that, that she might have married some man by the name of Tinnon? A Yes, sir, I said that.

Q And now you swear you don't know she was called Dicey Tinnon?

A Why I do.

Q When was she called Dicey Tinnon? A I have heard of her being called Dicey Tinnon the last time I was up on Big Creek, that Dicey Tinnon was it.

Q Why didn't you tell Mr. Hastings she was called Dicey Tinnon?

A I didn't know her by that name at that time.

Q You don't know now whether she was ever called Dicey Tinnon?

A I have heard she was.

Q Who told you? A Charley Blagburne, that is her brother.

Q Charley Blagburne? A Yes, sir.

Q You are giving the name right are you? A That is right as far as I know it.

Q You knew this woman by the name of Katie Blagburne? A No, sir, I knew her by the name of Katie Thompson.

Q You don't know how long these people you are talking about had lived down there in the Chickasaw Nation? A No, sir, I don't know anything about that.

Q You don't know whether they had been to the Cherokee Nation before that time, do you? A No, sir, I don't know anything about that.

whether they had or not, I just got acquainted with them right there.

Commission: This testimony will be made a part of the record in the following Cherokee Freedmen Doubtful cases; D-327, Katie Blackwell; D-333, Lucinda Blackwell; D-334, Ann Williams; D-343, Vinita Martin; D-438, Mattie Madden, D-629, Mattie McNair; D-754, Jesse Roach; D-756, Daniel Thompson, D-757, Henry Chambers.

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HENRY SEAN, recalled by attorney for applicants, testified further as follows:

Q Mrs. Mellette. You say the woman, Katie Thompson, that you are talking about, had a sister named Laura? A No, sir.

Q Well, did she have a daughter by the name of Laura? A No, sir.

Q Didn't you say a while ago that she had a daughter or a sister by the name of Laura? A No, sir.

Q You are certain you didn't say that? A Yes, sir.

Q Well, where did you see this woman, Katie Thompson, ten years ago, you say you saw her then? A I saw her up on Lightning Creek.

Q What were you doing up on Lightning Creek? A I went up there to a celebration.

Q Were you at her house? A No, sir.

Q Where did you see her? A I seen her there at the celebration.

Q Where was that celebration? A On Lightning Creek.

Q What place on Lightning Creek; Lightning Creek is pretty long?

A It was there in the settlement, if I can think of the man's name, along there about Hayden, uncle Mose Whitmires, somewhere along in there.

Q How long did you stay up there? A I didn't stay up there but a few days.

Q That the only time you have been up in that country? A No, I have been up there several times. I said about ten years ago, I was guessing at the time, it might have been a little shorter time or might have been longer.

Q Did Hayden live there at that time? A Yes, sir, he lived out there.

Q What kind of a celebration was that? A The 4th of August.

Q What it on Lightning Creek? A Yes, sir.

Q How far from Hayden's store? A I don't know just how far it was, I don't know whether he had a store there at that time.

Q Did he or did he not have a store there? A I don't know, sir, I can't tell you.

Q Did he live there? A He lived there.

Q How far was that from his house? A I don't know sir, I don't know where his house is. I was never at his house.

Q Did you see his house? A I never saw his house.

Q Where did you stay when you went up there? A I stayed at Looney Glass' and to Eliza Wright's.

Q Where does Looney Glass live? A Lives there right there on Lightning Creek, not far from the celebration ground.

Q Was there any building there where they had the celebration?

A No, it was there just in the open woods.

Q No school house? A The school house was a little piece from there, I never went around to it.

Q No church house? A School house or church house, or something of that kind isn't far from there, I didn't pay any attention to such things as that.

Q That the only time you were up there? A No, sir, been right over the celebration ground, but I couldn't locate the grounds by go

ing over them.

Q How long did you see this woman at that time? A I just seen her that day.

Q Speak to her? A Yes, sir.

Q Talk to her? A Didn't have very much talk, I just passed and spoke.

Q Just spoke to her as you passed? A I stopped and spoke to her and talked a little but didn't have very much talk, just passed on.

Q You will swear that was the woman you came from Texas with?

A Yes, sir, from Chickasaw Nation.

Q Can't be mistaken about that? A No, sir, can't be mistaken about that.

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FRANK PACK, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Frank Pack

Q What is your age? A 40.

Q You know Henry Bean, the witness that just left the stand?

A Yes, sir.

Q How long have you known him? A Been knowing him over since '74 or '75, somewhere along there.

Q Where did you get acquainted with him? A Got acquainted with him at Tahlequah.

Q You know when he came to Tahlequah? A It was along about '75 or '74 when I first seen him, that is my recollection.

Q You know when that first payment was made? A I think it was in '75 if I mistake not, somewhere along about there.

Q Do you know Katie Thompson and Dicey Sorrells? A Yes, sir.

Q Do you know when she came to Tahlequah? A She came there about the same time Henry Bean did, I seen them all just about the same time; they lived in about three miles and a half of where I lived, and stayed there a while and along in about '75 why my mother died and we moved off and rented the place to some of them, they moved over on our place across the river and made a crop there one year.

Q How far is that from Tahlequah? A That is about six miles east.

Mr. Mellette: Now you say you first saw this man Henry Bean in '74 or '75, along in there somewhere.

Q How can you remember it was that year? A Because my mother died in '75 and I had seen them a while before she died, I got acquainted with them.

Q How long before your mother died? A I can't say how long.

Q One or two years? A It wasn't that long, I don't think it was hardly a year.

Q What reason had you for remembering when Henry Bean came to this country? A Because I told you my mother died along about '75, and I seen them a little before she died.

Q That didn't have any connection with her death did it? A He was always around where we were, we were neighbors.

Q Why does the death of your mother make you remember when you first saw Henry Bean? A Because they were not very many strange people moved in there then and they moved in close to where we lived and that makes me remember them.

Q Do you remember any other colored man that came in that country about that time? A I expect I would if they would mention some of them.

Q Why do you fix your memory on Henry Bean? A Because he was a stranger and came right in close neighbors to me.

Q Was he any kin to you? A None at all.

Q You were 15 years old at that time? A I guess I was somewhere along about there. I recollect it might be 1831 though.

Q And you can remember it was '74 or '75? A Yes, sir.

Q When was your recollection first brought to bear upon the question as to when Henry Bean came into your country? A It always has been that way.

Q Do you know John Ross? A Yes, sir.

Q When did you first see him? A I can't tell exactly, he was quite small when I first seen him.

Q Where did you first see him? A At Tahlequah.

Q When? A Along, I can't say exactly, he was a small boy.

Q Give us an idea when you first saw him? A Well I can't really say, it was way after I seen Henry, I know that, and John was quite a boy.

Q Now Pack, Henry Bean came to that country when you were about 15 years old and you have remembered from that time on the year that he came there? A Yes, sir.

Q Are you employed by the Cherokee Nation now? A Yes, sir.

Q In what capacity? A I am just working with them, working for them, anything they want me to do around about the office I am right there working.

Q You are connected with the Cherokee officers who have charge of this enrollment, are you not? A I am working for them.

Q You are kept here as a witness are you, too? A Not particular I don't guess.

Q Then what do you do for the Cherokee Nation? A Anything they want me to do; clean up the room, bring water, go and get the mail, anything they ask me I go and do it.

Q And you are willing to swear positively that Henry Bean came about Tahlequah in '75 or '75? A Yes, sir.

Q You knew that you saw him when he first came? A Yes, sir, I am positive. I know what I am talking about.

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L. B. BELL, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. B. Bell.

Q How old are you? A 62.

Q What is your postoffice? A Vinita.

Q Mr. Bell, what was the date, if you know, of that first payment, that was made some eight or ten or twelve years after the war? A Well it was what we call the bread money, the first payment we had, was in '75; some of them calls it the \$10.60 payment, and the ten dollar payment.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 23rd of September, 1901.

A. H. Anderson

Commissioner.

Freed D 860

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mattie McHair, D 629;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1865, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell
Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher

D 2344

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment ?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

Martha Hailstack, page 770, # 1067, Tahlequah District;
Note: "By census takers not counted in the aggregate. Doubtful.
No indication that they are suspended for examination".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

W. H. Koster
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.A.C.

In the matter of the application of Katie Blackwell et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Katie Blackwell et al.,-----Cherokee Freedmen D327
Lucinda Blackwell et al. --- -Cherokee Freedmen D 333
Ann Williams ----- -Cherokee Freedmen D 334
Vinita Martin et al., -----Cherokee Freedmen D 343
Mattie Madden ----- Cherokee Freedmen D 438
Mary Riley et al.----- Cherokee Freedmen D 624
Mattie Mc Nair et al. -----Cherokee Freedmen D 629
Adaline Hardman ----- -- Cherokee Freedmen D 634
Jesse Roach ----- Cherokee Freedmen D754
Daniel Thompson ----- --Cherokee Freedmen D 756
Morris A. Sorrell et al -----Cherokee Freedmen D193
Henry Chambers-----Cherokee Freedmen D 757

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Katie Blackwell for herself, her minor child, Thomas Ross, and her sister's children, Gertie and Fannie Tinnon; by Lucinda Blackwell for herself and minor child, Pearl Lee Blackwell; and , subsequent to the date of this application, an affidavit was filed as to the birth of her minor child, Margery J. Blackwell, and the same is made a part of the record herein; by Ann Williams for herself; by Vinita Martin for herself and minor child, Corraie Martin; by John Madden for his wife, Mattie Madden, among others; the other parties to his application, being differently classified, are not embraced in this decision; by Mary Riley for herself and grand daughter, Rosa McNair; by Mattie McNair for herself and minor child, James Landrum; by Adaline Hardman for herself; by Jesse Roach for himself; by Daniel Thompson for himself; by Morris A. Sorrell for himself and his half brother, Luie Tinnon; and by Henry Chambers for himself.

The evidence shows that the applicants, Katie Blackwell, and Mary Riley are, and that Nannie Vann (formerly Morgan) and Dicey Tinnon (or Sorrell) were, the daughters of Martha Thompson. It is alleged that Martha Thompson and her said daughters were slaves in the Cherokee Nation at the commencement of the rebellion. The evidence further shows that they were taken out of said nation during the rebellion and that neither of them returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said nation.

The said Thomas Ross, Lucinda Blackwell, Pearlee Blackwell, Margery L. Blackwell, Ann Williams, and Daniel Thomson are the descendants of said Katie Blackwell, born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her. The said Jesse Roach, also a son of Katie Blackwell, was born in slavery and resided with his mother in the Cherokee Nation at the commencement of the rebellion. It is presumed that he was taken out of said nation with his mother during the rebellion being at that time a minor, and there is no evidence showing that he returned to said nation within the time specified in the decree of the Court of Claims supra.

The said Gertie Tinnon, Lonnie Tinnon, Vinita Martin, Corraill Martin, Mattie Madden and Morris A. Sorrell are the descendants of Dicey Tinnon (or Sorrell), born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her. Luie Tinnon is a son of Dicey Tinnon by Horace Tinnon; and it does not appear that Horace Tinnon was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The said Mattie McNair and James Landrum are the descendants of Nannie Vann (formerly Morgan), born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her. Rosa McNair and Adaline Hardman are descendants of Mary Riley, having been born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through said Mary Riley. Neither the name of Horace Tinnon nor the names of any of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that the applicant, Henry Chambers, is the son of said Katie Blackwell, by one Charlie Chambers, who is identified on the 1880 authenticated roll of the Cherokee Nation. It is presumed from this enrollment that the Cherokee Nation recognized that the said Charlie Chambers complied with the terms of the treaty of 1866. Henry Chambers has been a resident of the Indian Territory all his life, and has resided in the Cherokee Nation continuously from about 1874 up to and including the date of his application herein.

It is, therefore, the opinion of this Commission that Henry Chambers, having been born since 1866, should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat. 495)

and it is further the opinion of this Commission that the applications for the enrollment of Katie Blackwell, Thomas Ross, Gertie Tinnon, Linnie Tinnon, Lucinda Blackwell, Pearlee Blackwell, Margery L. Blackwell, Ann Williams, Vinita Martin, Corral Martin, Mattie Madden, Mary Kiley, Rosa Mc Nair, Adaline Hardman, Mattie McNair, James Landrum, Jesse Hoach, Daniel Thompson, Morris A. Sorrell, and Luie Tinnon, as Cherokee Freedmen, should be denied under the provisions of said Section Twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed Tama Dixby Chairman.

Signed T. N. Needles Commissioner.

Signed C. A. Breckinridge Commissioner

_____ Commissioner.

Muskogee, Indian Territory,

this Apr. 20 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NINE CIVILIZED TRIBES.
TAHLEQUAH, I.T., MARCH 16, 1905.
CHEROKEE ENROLLMENT FIELD PARTY.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Ann Hailstock et al., as citizens of the Cherokee Nation.

PEOPLE LASLEY, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A. Peggie Lasley
 Q What is your age? A. 50
 Q What is your postoffice address? A. Tahlequah
 Q Are you a citizen of the Cherokee Nation? A. Yes sir
 Q Are you a citizen by blood or a Freedman citizen? A. Freedman citizen.
 Q How long have you lived in Tahlequah District? A. I have been here ever since 1860
 Q Have you been finally enrolled as a Cherokee Freedman? A. Yes sir
 Q Under what name? A. Peggie Lasley Freedman
 Q Who was your father? A. Moore Ross.
 Q Was he a Cherokee Freedman? A. Yes sir
 Q Who was your mother? A. Nancy Campbell
 Q Was she a Freedman? A. Yes sir, and she died a long time ago.
 Q Were you enrolled in 1860 in Tahlequah District? A. Yes sir
 Q Did you know a woman who once lived in Tahlequah District by the name of Ann or Nan Hailstock? A. I knew Nan Hailstock
 Q Did you know any other woman in Tahlequah District by that name?
 A. No sir.
 Q About how old was this woman? A. I do not know how old she was then, if she was living now she would be about 50
 Q Was she about your age? A. Yes sir
 Q Was she a Cherokee by blood or a Cherokee Freedman? A. She was a Cherokee Freedman.
 Q Is she enrolled, this woman you refer to, enrolled on the 1860 Roll, Tahlequah District? A. I suppose she must have been, she was here about that time
 Q Do you know whether this woman is living or dead? A. Her sister says she is dead.
 Q About how long has she been dead? A. About 4 years
 Q She died then about 1900? A. I suppose so but I did not know anything about her death until now.
 Q You knew her personally, did you? A. Yes sir
 Q Did she move from Tahlequah District some years ago? A. Yes sir
 Q About how long ago was that? A. I don't know I expect 25 or 26 years ago, maybe longer than that.
 Q Do you know where she went from here? A. They said they were going to the Verdigris.
 Q Did this woman have any children when you saw her? A. She had two children to my knowledge.
 Q Do you remember their names? A. No sir, I do not
 Q Were those children living with her when she lived in Tahlequah District? A. Yes sir
 Q About how old were those children when they were living? A. I expect they could be anywhere from 10 to 15 that I know of
 Q Were they girls or boys? A. They were girls.
 Q Have you seen those children since they moved from here?
 A. No sir, her mother told me they were dead
 Q Where are they living to the best of your information?
 A. They are dead and the children are living -- I don't know where they are.

Ann Hailstock--2

NELLIE YOUNG, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A. Nellie Young
- Q What is your age? A. 44
- Q What is your postoffice address? A. Wimer, Indian Territory
- Q Are you a citizen of the Cherokee Nation? A. Yes, sir.
- Q Citizen by blood or a Cherokee Freedman? A. Freedman.
- Q Where were you living in 1880? A. In Cooweescoowee District
- Q Are you enrolled on the 1880 Roll in Cooweescoowee District?
- A Yes sir
- Q Did you ever know a woman by the name of Hailstock, Ann or Nan, who once lived in Tahlequah District? A. I knew Nan
- Q About how old would she be if living? A. I think she would be about 50 years old.
- Q Is this woman living or dead? A. She is dead
- Q How long has she been dead? A. About 4 or 5 years
- Q Was she Cherokee by blood or a Freedman? A. Freedman
- Q Is she the only woman by the name of Hailstock of that age?
- A Only Nan Hailstock that I know.
- Q In what district did you know this Hailstock woman? A. I don't know what District Chouteau is in. In Cooweescoowee.
- Q Was that after she moved from Tahlequah District? A. I don't know I was so small but I know she lived at Chouteau.
- Q How long has it been since you knew them at Chouteau?
- A About 15 years anyway.
- Q Did she have some children? A. Yes sir
- Q What were the names of those children? A. Jennie, Rose and Mattie.
- Q Was one named Nancy? A. The one they called Jennie they called Nancy sometimes.
- Q Was one named Martha? A. Martha was the one they called Mattie
- Q And Jennie they called what? A. Nancy
- Q About how old would these children be now if living? A. Mattie is about 30, Jennie must be about 25 and Rose, I don't know just how old she is but my judgment would be somewhere along about 20.
- Q Did the one they called Rose, was she sometimes called Nancy?
- A No Jennie was sometimes called Nancy.
- Q Are these children you mention married? A. Two married
- Q Which two is that? A. Martha she is married
- Q What is her husband's name? A. Alfred Mc...ir.
- Q What was Martha's father's name? A. Jim Hailstock
- Q Is any of the others married? A. Rose is married, there is one of them dead, I do not know whether it is Rose or Jennie
- Q What is her name? A. She did have a son by the name of Chinnett.
- Q Is the other one living? A. No sir.
- Q She is dead? A. That is the dead I think it is Jennie.
- Q In all this woman had three children did she? A. Had three that I am well acquainted with, but it seems to me she had a boy, but I am certain about these three girls.

The applicant, Ann Hailstock, is identified upon the 1880 Cherokee Tribal Roll, Tahlequah District, No. 1066, and is listed for enrollment from information on Cherokee D 2343. Martha Hailstock is identified on the 1880 Cherokee Tribal Roll, Tahlequah District No. 1067, and is listed for enrollment from information on Cherokee D 2344. Jennie Hailstock is identified on the 1880 Cherokee Tribal Roll, Tahlequah District, No. 1068, and is listed for enrollment on Cherokee D 2345. Nancy Hailstock is identified on the 1880 Cherokee Tribal Roll, Tahlequah District, No. 1069, and is listed for enrollment on Cherokee D 2346.

ANN HAILSTOCK-- 3

PEGGIE LASLEY, recalled, testified as follows:

BY THE COMMISSION:

- Q These were the only Hailstocks you have ever known in Tahlequah District? A. Yes sir
Q How long were you personally acquainted with this woman? A. About two or three years I reckon before she moved away from here.
Q You have not known her since she left this district? A. No sir

NELLIE YOUNG RECALLED:

BY THE COMMISSION:

- Q There were three of these children? A. Yes sir
Q There was Mattie or Martha? A. Yes sir
Q And Jennie and one you say they called Rosa? A. Yes sir
Q Was Rosa ever known as Nancy? A. I don't know about that
Q Was Rosa ever called by any other name except Rosa? A. I do not know.
Q She might have been called Nancy, you never knew her by that name? A. No sir.
Q She might have been on the 1860 Roll as Nancy and you knew her as Rosa? A. Yes, sir.
Q But you do not know whether Rosa was ever known as Nancy or not?
A I do not know whether she was or not.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) GEORGE H. LESSLEY

Subscribed and sworn to before me this 20th day of March, 1905

(SEAL) (Signed) MYRON WHITE
Notary Public

Lucy M. Bowman being duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 23rd day of March, 1906

B. P. Thomas
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 28, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA HAILSTOCK as a citizen by blood of the Cherokee Nation.

APPEARANCES:

For Applicant, F. P. Branson.

For the Cherokee Nation, W. W. Hastings.

MARTHA McNAIR, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Martha McNair.
Q How old are you? A Between 34 and 35.
Q What is your post office? A Vinita.

BY MR. BRANSON:

- Q How long have you lived at Vinita? A This last time - have been to Vinita about 4 years.
Q What district in the Cherokee Nation is Vinita located? A One side is in Cooweescoowee and the other Delaware, I live in Cooweescoowee.
Q How long have you lived in the Cherokee Nation, Indian Territory? A I have lived in the Cherokee Nation about all my life.
Q Where were you born? A At Tahlequah, I think as near as I can remember, my first remembrance was at Tahlequah out on Parkhill.
Q Your first recollection was at Parkhill, Tahlequah District, Indian Territory? A Yes sir.
Q What was your father's name? A Jim Hailstock.
Q Was he a Cherokee freedman or a state raised man? A He claimed to be state raised and Chickasaw.
Q What was your mother's name? A Her name was Nancy Morgan.
Q At the time she was married to your father, what was her name? A Nan Morgan.
Q At the time she was married to your father, what was her name? A Nan Morgan.
Q Did she never assume your father's name? A Yes sir, she went by Hailstock after they were married.
Q Do you know when your father and mother were married? A No sir.
Q Were they living together as husband and wife in Tahlequah District when the 1880 roll was made? A No sir.
Q Where were they living then? A My mother was living there but she and my father were parted.
Q Your father and mother were parted in 1880? A Yes sir.
Q Were your mother and children living in Tahlequah District, Indian Territory? A Yes sir.
Q State what your mother's name was at that time? A It was Nan Hailstock.
Q How many children did she have in 1880? A Martha Hailstock, Jennie Hailstock and Nancy Hailstock.
Q Are you the oldest of those children? A Yes sir.
Q Is that your full name? A Yes sir.
Q That was your maiden name? A Yes sir.
Q How old are you now? A Between 34 and 35.
Q Was Jennie your sister? A Yes sir.
Q Full sister? A Yes sir.

- Q How much younger than you was Jennie? A I was a little over two years older than she.
- Q Was Nancy younger than Jennie? A Yes sir.
- Q How much? A Jennie was a little over two years older than Nancy.
- Q Is Jennie living? A No sir.
- Q How long has she been dead? A She died sometime before the strip payment.
- Q Where did she die? A She died down below on Brushy Creek out from Choteau.
- Q Is Nancy living? A No sir.
- Q When did she die? A Ever since she was about 8 or 9 years old.
- Q Where did Nancy die? A She died upon Panther Creek in the Cherokee Nation in Coowescoowee District.
- Q Since you lived in Tahlequah District in 1880 with your mother and younger sisters, have you lived outside of the Cherokee Nation? A Yes sir, I have been outside but never moved outside of the Cherokee Nation.
- Q Where have you been? A I have been to Kansas City.
- Q How long did you stay in Kansas City? A I stayed there about six months.
- Q When was that? A That has been a long time, I don't know how long it has been.
- Q Where else have you been? A To Coffeyville and Chetopa.
- Q How long did you stay there? A Just went and traded and back.
- Q How long did you, --how many times have you been married? A Three.
- Q What was the name of your first husband? A George Hill.
- Q What was the name of your next one? A Walter Wayfield.
- Q What is the name of your present husband? A Alfred McNair.
- Q How long have you been married to Alfred? A Going on 7 years.
- Q How many children have you got? A One.
- Q What is its name? A James Landrum.
- Q What is its father's name? A Sam Landrum.
- Q Were you ever married to him? A No sir.
- Q How old is James Landrum? A 17.
- Q Is he living in the Cherokee Nation? A Yes sir.
- Q Where? A Vinita.
- Q Did you make application to the Dawes Commission in 1901 for enrollment of yourself as a Cherokee freedman? A Yes sir.
- Q Under what name? A Mattie McNair.
- Q Did you apply for James Landrum at that time? A Yes sir.
- Q What, if anything, if you have been informed, has been the decision of the Commission on that application? A I was denied.
- Q Have you got the decision of the Commission with you? A No sir.

Mr. Branson: The applicant now desires to offer in evidence in Cherokee D-2344, a certified copy of the entire record of Cherokee Freedman D-629, including especially the testimony taken at Chelsea, Indian Territory, on June 8, 1901, of the principal applicant in this case, and special attention of the Commission is called to page 2 of the testimony taken on that day in which the Commission says that the 1880 authenticated ~~roll~~ Cherokee freedman roll having been examined and applicant not identified thereon. Applicant further requests the Commission to examine the 1880 Cherokee authenticated tribal roll and if the name of Martha Hallstock appears thereon in Tahlequah District, that her name as members on said roll with

the other members of the Hailstock family that are given there be inserted in this record.

Mr. Hastings: I desire to object to this request at this time until the examination of this witness is completed.

BY MR. BRANSON:

- Q Where did you and your mother move from when you left Tahlequah District? A I went to Vinita, my mother was still at Tahlequah.
- Q Do you know how long after your first recollection of your living at Parkhill, your mother with her children continue to live in Tahlequah District? A Mother stayed at Tahlequah. She moved away from Tahlequah and moved on Salt Creek up in Cooweescoowee District.
- Q When was that? A That was when we were small, I don't know how long it has been, I remember we went in wagons and had oxen to drive.
- Q Did you ever hear of any family in Tahlequah District by the name of Hailstock except your family? A No sir, only I have a half brother on my father's side, Charlie Hailstock.
- Q They were the members of your family? A Yes sir.
- Q If your mother's name appears on the 1880 roll as Ann Hailstock, is that a mistake?

Mr. Hastings: I submit that that question ought not to be asked because it is clearly leading and instructive to the witness.

- Q If your mother was living at the present time, is your mother living or dead? A She is dead.
- Q How long has she been dead? A About 4 or 5 years.
- Q If she were living at the present time about how old would she be? A Along about 50 I guess.

BY MR. HASTINGS:

- Q Where did your mother die? A On Brushy Creek up here by Choteau.
- Q When did your mother die? A She died in August on the 17th.
- Q What year? A I don't remember what year, I know it has been about 4 or 5 years since mamma died.
- Q Did your mother ever marry again after the death of your father, James Hailstock? A Yes sir.
- Q Who did she marry? A She married Johnson Vann.
- Q And she lived with him near Choteau? A Yes sir.
- Q About how old were you when your mother married Johnson Vann, that was ~~xxx~~ her next husband after your father's death? A My father ain't dead as I know of.
- Q After their separation? A I don't know, I must have been along about 20 some odd, I don't know just how old I was.
- Q About how long ago was it she married Johnson Vann? A I couldn't tell you, I left from here and went up to Vinita and mamma was still here, she come back here after we went to Salt Creek, come back to Tahlequah.
- Q About how old were you when you went to Salt Creek? A I was small, I can't remember how old I was.
- Q Were you as much as 4 or 5 years old? A I guess I was older than that.
- Q What is your best judgment as to how old you were when you went to Salt Creek? A I couldn't have been not more than 10 or 11, I don't think.

- Q Q Where was Jennie born? A Tahlequah.
- Q Where was Nancy born? A Tahlequah.
- Q Which is the older Jennie or Nancy? A Jennie.
- Q About how old was Nancy when you left Tahlequah and went to Salt Creek? A She was awful small, a baby.
- Q In her mother's arms? A Yes sir, I can't remember whether she was walking or not, I know she was very small.
- Q With whom did your mother live down there when you went to Salt Creek or just before? A We lived with Aunt Rose Ross.
- Q Is she living? A I don't think she is.
- Q Is any of her family living? A I don't know, she was just an old widow woman.
- Q Did she have any children? A No sir, I don't think she did.
- Q On whose place did she live? A On her own.
- Q Did she have some neighbors? A Yes sir.
- Q Close to whom did you live? A I don't know, I just couldn't tell you I was small.
- Q You don't know anybody that lived close to you? A All I can remember there was some Indians living close around there.
- Q Do you remember any of their names? A No sir, I can't, it seems to me they had children, but I just couldn't remember anything more about it.
- Q Have you got any witnesses that you can prove that you lived about Parkhill? A Yes sir, I guess I can get some, Henry pack is here, I didn't know I had to have any witnesses.
- Q Your mother wasn't living with your father when you can remember?
- A I do remember but it has been so long, I don't know how big I was. I can remember my father but not much about when they were living together, but I remember him since that.
- Q What name did you go by when small? A Martha Hailstock.
- Q Always went by the name of Hailstock? A Yes sir, until I was married.
- Q Where are you living now? A Vinita.
- Q How long have you been living there? A Four years.
- Q Where did you go from there? A Big Creek.
- Q How long have you lived on Big Creek? A I don't know, I guess about 3 years. I left Vinita and went to Big Creek.
- Q Where did you live before you went to Vinita the first time?
- A Lived here at Tahlequah, I lived on Panther Creek when I went to Vinita the first time.
- Q How old were you when you went to Vinita the first time? A Along about 12 or 13 years old.
- Q How long had you lived on Panther Creek before you went to Vinita? A I don't know, we moved from Salt Creek to Panther Creek.
- Q About how long did you live on Panther Creek, the best of your judgment? A I don't remember, we moved from Salt Creek to Panther Creek and come to Vinita.
- Q About how long did you live on Panther Creek, two or three or four years? A Yes, I guess longer than that.
- Q Your best judgment about it? A Two or three years I guess.
- Q How long had you lived on Salt Creek when you went to Panther Creek? A I don't know, I was small when we went to Salt Creek I couldn't tell you because I don't know that much about the years, didn't know anything.

- Q In what year were you married? A I don't know, I know I married at Vinita and Uncle Fred Martin married me.
- Q How long ago? A It has been a long time.
- Q About how long? A It seems to me it has been about 13 or 14 years I guess.
- Q Now how old is your son Jim? A He is 17
- Q 17 now? A Yes sir.
- Q Where was he born? A He was born on Panther Creek.
- Q Had you ever lived in Vinita before Jim was born? A Yes sir.
- Q How long had you lived in Vinita when Jim was born? A A year or two I guess.
- Q How long had you lived on Panther Creek before that? A I don't know, we come from Salt Creek to panther Creek.
- Q Well I want to know how long you lived on those two creek before you went to Vinita? A I don't know how long before I went to Vinita, we had moved from Salt Creek to Panther Creek, but I don't know what year it was or how long it was.
- Q You don't know where you were living in 1883? A No sir, I was living around there somewhere.
- Q You don't know where you were living in 1875? A No sir, but I have been here in the Nation all my life around up there some where.
- Q You don't know where you were living any particular year? A No sir because I don't know nothing about particular years, just that we just lived down in the country, when we moved from Salt Creek we moved to Panther Creek.
- Q You don't pretend to say you knew all the Cherokees in Tahlequah District? A No sir.
- Q You don't know hardly any of them do you? A I know a few, I know more colored folks. When we left Parkhill we moved in town.
- ON BEHALF OF THE COMMISSIONER:
- Q You drew Cherokee strip money in 1896, Kern-Clifton money? A Yes sir.
- Q Did you draw any money from the Cherokee Nation at any other time? A I got the wallace money.
- Q Did you draw any other money besides that? A Then I drew another little payment right after I drew the strip money, what was that, I forget, we drew \$53.00.
- Q You never drew any other money besides at the time of the freedman payment in 1897 and at the Wallace payment? A I drew the Wallace money at the wallace payment and I drew it while I was on Big Creek.
- Q Did any one else draw any money for you that you know of? A No sir, not as I know of.
- Q Were you ever known by any other name besides Martha Hallstock? A Not no other maiden name.
- Q When you were a child what did they call you? A They called me Martha or Mat.
- Q And after you grew up what did they call you? A Martha and mat, some folks called me Martha and some mat.
- Q What did you always call yourself? A Martha.
- Q Is that the way you always called it and signed it? A No sir, I signed it once Mattie McHair.
- Q Is that the only time you can remember? A Yes sir.
- Q That is the time you applied for enrollment? A Yes sir.
- Q Did they ever call your mother by any other name besides Nancy? A Nan.
- Q Did she have any Cherokee blood in her? A I don't know, she had pretty near straight hair.
- Q Do you think you have any Cherokee blood? A I don't know, my mother was just a little brighter than I am and my father was about my color.

BY MR. BRANSON:

- Q You state that your first recollection was in Tahlequah District?
A Yes sir.
- Q Are you acquainted with Peggie Lasley? A Yes sir.
- Q Where does she live? A She lives out there in the country somewhere.
- Q When did your family and her first become acquainted? A I couldn't tell you.
- Q Have you known her all your life? A Yes sir, I remember seeing her when we ~~lived~~ lived there in Tahlequah, I don't know whether I knew her when we lived at Parkhill or not.
- Q Do you know Nellie Young? A Yes sir.
- Q Where does she live? A On Big Creek.
- Q Is she related to Peggie Lasley? A Yes sir, sister I think.
- Q How long have you known Nellie Young? A Quite a while a long time.
- Q Was she acquainted with your family when you lived in Tahlequah District? A I don't know whether she was or not, lots of folks older than I was knew me that I don't know.

Mr. Branson: We now ask that the 1880 Cherokee Authenticated roll be examined by the representative of the Commissioner and that the name of Martha McNair, if it appears upon that roll, that that name as it appears there, giving the age etc., be inserted in this record with the other names along with her.

On Behalf of the Commissioner: This testimony is taken at the present time for the purpose of identifying, if possible, the persons whose names appear upon Cherokee Doubtful card No. 2344, the same being included in a general application for enrollment made on June 30, 1902, and the question will be determined by decision as to whether or not the present witness, Mattie or Martha McNair, who is listed on Cherokee Freedman Doubtful card No. 629 is identical with the person listed on Cherokee Doubtful card, No. 2344. Official notice will be taken of the enrollment on the roll of 1880 of the said Martha Hailstock, and also as to the persons which it appears she is enrolled thereon with.

Mr. Branson: Comes now the applicant and objects to the notation made by the representative of the Commissioner because the applicant insists from the testimony given and from what appears in the record made by the Commission on June 8, 1901, in which it clearly appears that the representative of the Commission at that time failed to examine the 1880 Cherokee authenticated Tribal roll and only examined the 1880 Freedman roll, which is merely a copy of the 1880 authenticated roll of those persons on the 1880 Cherokee authenticated roll marked "Adopted colored," and by reason of this applicants appearing on the 1880 authenticated roll as a Native Cherokee, her name did not appear upon said copy known as the freedman roll. Applicant further insists that she has a right to have this enrollment inserted in the record and made a part of case 2344, has the right to have these names inserted as the roll clearly shows that they were members of the family of the persons who appears on Cherokee D-2344, and this record will be incomplete unless these names are inserted in this record.

ON BEHALF OF THE COMMISSIONER: The objection will be noted. The attorney for the applicant is misinformed as to the procedure taken by the Commission to the Five Civilized Tribes in the field as it was the ~~per~~ practice in all cases to examine the authenticated roll of 1880 as well as all other rolls to establish whether or not the applicants names were thereon.

Mr. Branson: Applicant gets his information from this statement from page two of the testimony of the applicant now present taken on June 8, 1901, at Chelsea, Indian Territory.

BY MR. BRANSON:

- Q Have you got a sister who has been finally enrolled? A Yes sir.
Q What is her name? A Rosa Coleman.
Q How old is she? A About 24 or 25 I guess, I don't know.
Q What was her father's name? A Will Davis.
Q Her maiden name was Davis? A Yes sir.
Q Was she your half sister? A Yes sir.
Q Through whom did she claim right, through her mother or father?
A Mother.
Q Was her father a Cherokee freedman? A Yes sir.
Q Do you know whether or not she appears on the 1880 roll? A Yes sir, she has got her land.
Q Under what name? A Rose Davis.

BY MR. HASTINGS:

- Q Her father was a Cherokee freedman? A Yes sir.
Q And her father is on the roll of 1880? A Yes sir.
Q And her name is on there to? A Yes sir.
Q And that is how she come to be enrolled? A Yes sir.
Q You had different father's? A Yes sir.
Q And he was a Cherokee freedman? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

To the Attorney for the applicant: Do you desire to submit the case on the testimony just introduced?

Mr. Branson: The applicant desires to submit the case, if, after consideration, it is the opinion of the Commissioner that the contention of the applicant that she is the party who appears on the 1880 Cherokee Tribal roll, Tahlequah District, along with Ann Hailstock, Jennie Hailstock, and Nancy Hailstock, is this person. If the Commissioner does not consider her to be the identical person on that roll, then we desire to introduce further testimony in this case.

ON BEHALF OF THE COMMISSIONER:

To the Attorney for the applicant: Do you desire at this time to have further opportunity to introduce testimony, or submit the case now?

Mr. Branson: We have no further witnesses here today, none at all. The reason that we had no further witnesses is because I considered that this witness's testimony in the light of the former record in Cherokee D-2344 is sufficient to show her identity.

EXHIBIT

The Attorneys for the applicant and the Cherokee Nation announce that they have no further testimony to introduce, this case will be closed and a decision rendered on the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 5th day of October, 1905.

W. H. White

Not ary Public.

Cherokee Freedman D 629
Cherokee D 244

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mattie McNair, nee Mattie Hailstock, as a Cherokee Freedman.

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"Schedule 1, Census of Tah. Dist. C. N. 1880."

No.	Names.	Native or Adopted.	Race or prior Nationality.	Age	Sex	
" 550	Davis, Rose	Ad.	Col.	2	Fem.	} (Note by census takers) Not counted in the aggregate. Doubt- ful.
628	Hailstack, Charley.A.		"	1	Male	
1066	Hailstack, Ann	Na.	Ch.	24	Fem.	} By census takers Not counted in the aggregate. Doubtful. No indication that they are suspended for examination. "
1067	Hailstack, Martha	"	"	9	"	
1068	Hailstack, Jennie	"	"	6	"	
1069	Hailstack, Nancy	"	"	5	"	

On June 8, 1901, One Mattie McNair, appeared before
the Commission to the Five Civilized Tribes at Chelsea, Indian Territory

and made application to be enrolled as a Cherokee freedman, and was listed for enrollment on Cherokee Freedman Doubtful card No. 629. On April 20, 1904, her application, among others, was denied by the Commission, and on October 31, 1904, its action was affirmed by the department.

On June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of, among others, one Martha Hailstack, as a Cherokee citizen, and the said ~~name~~ being identified on the Cherokee authenticated tribal roll of 1880, as above indicated, ~~this applicant~~ was listed for enrollment on Cherokee Doubtful card No. 2344. On March 16, and September 28, 1905, testimony was taken in re application of Martha Hailstack, tending to show that the said Mattie McNair and the said Martha Hailstack are one and the same person.

From an examination of the indexes of this office containing the names of applicants for Cherokee Freedman citizenship, I can find but one Hailstack, namely, the said Charley Hailstack, who was identified on the 1880 roll opposite No. 828, etc. supra., was listed for enrollment on Cherokee Freedman card No. 1311, and is now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 10, 1904, opposite No. 3625.

From an examination of the Cherokee Freedman enrollment cards in this office, I find but two freedmen applicants named Hailstack, to wit: In Cherokee Freedman 1313, supra., the said Charley Hailstack gave the name of his father as Jim Hailstack, In Cherokee Freedman 649, the applicant, Rose Coleman, nee Davis who is identified on the 1880 roll opposite No. 550, and who is now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on January 16, 1903, opposite No. 2042, testified that her mother's name was formerly Nan Hailstack; and in Cherokee Freedman D 629, the applicant Mattie McNair, nee Hailstack, gave the names of her father and mother as Jim and Nan Hailstack.

And, after an examination of the Cherokee Freedman rolls in the possession of this office, but two Hailstocks or Hailstacks can be identified thereon, namely, the said Charley Hailstack, supra., and one Mattie Hailstack, now Mattie McNair.

Excepting Ann, Martha, Jennie and Nancy Hailstack, for whom a blanket application for enrollment as Cherokee citizens was filed by E. Let Starr, and the further exception of the said Charley Hailstack who is on the final roll, no one by that name can be identified as an applicant for Cherokee citizenship, and an examination of each and every Cherokee enrollment card in this office, fails to show that any applicant, except as above indicated, has given in the name of his ancestor as either Hailstock or Hailstack, and, with the above exceptions, after an examination of all of the tribal rolls of Cherokees by blood, in the possession of this office, neither the name Hailstock or Hailstack, can be identified thereon.

The six names above set out are identified on pages 755, 762 and 770, Tahlequah district Cherokee tribal roll of 1880, hence it will be seen that five Hailstacks are identified on that roll, and the testimony taken in the case of Rose Coleman, nee Davis, Cherokee freedman 649, Charley Hailstack, Cherokee Freedman 1313, Mattie McNair, et al., Cherokee Freedman D 629, and Martha Hailstack, Cherokee D 2344, indicates that the six persons whose names are set out supra., were members of the same family, and related as follows:

Rose Davis is a daughter of the said Ann Hailstack, now deceased, and one William Davis,

Charley Hailstack is a son of one Eliza Dodson and one Jim Hailstack; and

Martha, Jennie and Nancy Hailstack are children of the said Ann Hailstack and the said Jim Hailstack.

Neither William Davis, Eliza Dodson or Jim Hailstack, can be identified as applicants for Cherokee citizenship.

The testimony of Peggy Masly and Willie Young, taken at Tahlequah, Indian Territory, on March 16, 1905, shows that one Nan Hailstack and her family lived in Tahlequah and in and around Park Hill during the year 1880 and for several years thereafter. The testimony of the applicant, Mattie McNair taken at different times and places, shows that she lived at and near Tahlequah during her childhood; that her mother's name was Nan Hailstack, and that she had two sisters named Jennie and Nancy Hailstack, both of whom are dead; that she has a half-sister named Rosa Coleman, nee Davis, and a half-brother named Charley Hailstack, both of whom are on the final roll of Cherokee Freedmen. Her testimony further shows

that her own age and the ages of her other, sisters, half-sisters and half-brother (if all were living at the present time), are consistent with the ages of the six above enrolled persons as given in 1880.

The Cherokee Nation has introduced no evidence to improve the claim of the applicant, Mattie McNair, that she is the Martha Hailstack identified on the roll of 1880, but by cross-examination has attempted to create the inference that the 1880 enrollment above indicated may have been intended for some other family of Hailstacks, a very doubtful inference, however, in view of the fact that no evidence has been introduced in support of this theory, and of the further fact that no trace of any family of Hailstacks or Hailstocks, other than the one above indicated, can be found in the Cherokee citizenship records of this office.

The only evidence, in fact, against the contention of the applicant, is that the surname of herself and family is spelled "Hailstack" on the 1880 roll, and of those on the Wallace and Kern-Clifton rolls, on one ~~was~~ spelled "Hailstack" and on the other "Hailstock", and that the name "Ann" on the 1880 roll, should be "Nan". These two mistakes, considering the similarity in sound and spelling, could easily have been made, and should not count for much against the applicant. The notation on the 1880 roll "Doubtful, etc.", should not militate against the enrollment of these parties, inasmuch as their names were not actually stricken from the roll, and we have a departmental ruling to that effect, but I cannot call it to mind just now. The erroneous classification of Ann, Martha, Jennie and Nancy Hailstack as Native Cherokees when in fact they were Freedmen, should not affect the ~~virtue~~ of their enrollment, and in the case of Mary Crittenden we have a Departmental letter that so holds.

In support of this applicant's contention it is also significant that the Commission to the Five Civilized Tribes readily identified her half-brother and half-sister on the 1880 roll, and later made an order dismissing the application for the enrollment of the said Anna Hailstack, who, the evidence taken in this case at Tahlequah, on March 13, 1903, shows died prior to September 1, 1902.

In view of the foregoing I am of the opinion that the applicant, Mattie McNair, is identified as the ~~said~~ Martha Hailstack, and as conclusively, is identified on the authenticated tribal roll of 1880.

I. F. McCallister

W.C. Deane

Cherokee freedmen D 629
Cherokee D 2344.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mattie McNair, nee Hailstock, as a Cherokee Freedman.

O R D E R .

The records in the two above cases show that on June 8, 1901, Mattie McNair appeared before the Commission to the Five Civilized Tribes at Chelsea, Indian Territory, and made application for the enrollment of herself and her minor son, James Landrum, as Cherokee Freedmen, and that said applicants were duly listed for enrollment on Cherokee Freedman card D 629; and that on June 30, 1902, Emmet Starr appeared before said Commission at Muskogee Indian Territory, and made application for the enrollment of one Martha Hailstock (Hailstock) as a citizen of the Cherokee Nation, and said applicant was duly listed for enrollment on Cherokee card D 2344.

The evidence filed in said cases shows that Mattie McNair and Martha Hailstock (Hailstock) are one and the same person.

It is, therefore, ordered that Cherokee card D 2344 be cancelled and that the record of proceedings had in re application of the said Martha Hailstock (Hailstock), be transferred and made a part of the record in the case of Mattie McNair and her son, James Landrum, Cherokee Freedmen D 629.

W.C. Deane

Acting Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 26 1906

C7B

Cherokee Freedmen D 629

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie McNair (nee Hallstock) and her minor son, James Landrum, as Cherokee freedmen.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Chelsea, Indian Territory, on June 8, 1901, Mattie McNair appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her minor son, James Landrum, as Cherokee Freedmen, and that said applicants were duly listed for enrollment on Cherokee Freedmen Doubtful card 629; that further proceedings in the matter of said application were had at Nowata, Indian Territory on June 27, 1901, and that the testimony taken at various times and places in the matter of the application for the enrollment as Cherokee freedmen of Katie Blackwell et al., Cherokee Freedmen D 327, and that taken in the matter of the application for the enrollment as Cherokee freedmen of Mary Riley, et al., Cherokee Freedmen D 624, is filed with and made a part of the record in this case, that on April 20, 1904, the Commission to the Five Civilized Tribes rendered its decision in the consolidated case of Katie Blackwell, et al., Cherokee Freedmen D 327, et al., denying, among others, the application for the enrollment of Mattie McNair and James Landrum as Cherokee Freedmen, and that said decision was on October 31, 1904 (I.T.D. 8138-1904) duly affirmed by the Department.

THE RECORDS FURTHER SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of one Martha Hallstock (Hallstock), who is identified on the authenticated Cherokee tribal roll of 1880 as a native Cherokee,

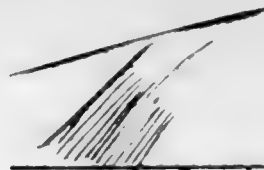
as a citizen of the Cherokee Nation and that said applicant was duly listed for enrollment on Cherokee Doubtful card 2344; that further proceedings in the matter of said application were had at Tahlequah, Indian Territory, March 16, and at Muskogee, Indian Territory, September 28, 1905, in which it is shown that Mattie McNair and Martha Hailstack (Hailstock), are one and the same person.

The record further shows that on March 14, 1906 (I.T.D. 8138-04, 4720-05, 8669-05), in compliance with the request of the Commission to the Five Civilized Tribes of March 25, 1905, the Department rescinded its decision of October 31, 1904, in the Cherokee Freedman case of Katie Blackwell, et al., insofar as it refers to Mattie McNair and her son, James Landrum, and returned their case to this office for readjudication.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Mattie McNair, nee Hailstock, is the daughter of one Nannie Vann, nee Morgan, who was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that she was born in the Cherokee Nation, since 1866; is duly identified on the authenticated Cherokee tribal roll of 1880, and has continuously resided in the Cherokee Nation since birth.

The evidence further shows that the minor applicant herein, James Landrum, is the son of the principal applicant, Mattie McNair, was born in the Cherokee Nation, since 1880, and has continuously resided therein since birth. said minor applicant, with his mother, is identified on the Kern-Clifton roll, Coowescoowee district, No. 3665.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mattie McNair and James Landrum are entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly granted.



Commissioner

Dated at Muskogee, Indian Territory,

this _____

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D 629

Muskogee, Indian Territory, May 17, 1904.

Mattie McNair,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Katie Blackwell, et al., rejecting, among others, your application for the enrollment of yourself and your minor child, James Landrum, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Encl. V-56

Register.

Chairman.

COPY.

Cherokee Freedmen
D 327, et al.

Muskogee, Indian Territory, May 17, 1904.

Edgar Smith,

Attorney for Katie Blackwell, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Katie Blackwell, et al., rejecting, among others, the applications for the enrollment of Katie Blackwell, Gertie and Linnie Tinnon, Thomas Ross, Mary Riley, Rosa and Mattie McNair, Daniel Thompson and James Landrum. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James L. McCoy

Encl. V-62

Register.

Chairman.

Cherokee Freedmen
D 327, et al.

Muskogee, Indian Territory, May 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Katie Blackwell, et al., including the Commission's decision dated April 20, 1904, granting the application for the enrollment of Henry Chambers as a Cherokee freedman and rejecting the applications for the enrollment of Katie, Lucinda, Pearlee and Margery L. Blackwell, Gertie, Linnie and Luie Tinnon, Thomas Ross, Ann Williams, Vinita and Corrail Martin, Mattie Madden, Mary Riley, Rosa and Mattie McNair, James Landrum, Adaline Hardman, Jesse Roach, Daniel Thompson, and Morris A. Sorrell as Cherokee freedmen.

Respectfully,

Encl. V-63

L. C.
Chairman. *57.*

Through the
Commissioner of Indian Affairs.

(COPY)

Y.P
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 31, 1904

D.C. 42154-1904
I.T.D. 8138-1904
L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory

Gentlemen:

May 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Katie Blackwell, et al (F.D. 327, et al.), including your decision of April 20, 1904 granting the application for the enrollment of Henry Chambers and rejecting the applications for the enrollment of all the other applicants.

Reporting in the matter September 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure.

Cherokee Freedmen

D-327, et al.

Muskogee, Indian Territory, November 8, 1904.

Edgar Smith,

Attorney for Katie Blackwell, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, the applications for the enrollment of Katie Blackwell, Gertie and Linnie Tinnon, Thomas Ross, Mattie and Rosa McHair, James Landrum, Daniel Thompson and Mary Riley as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 31, 1904.

Respectfully,

Frank Sixby.
Chairman.

CC-11

Cherokee Freedmen

D-327, et al.

Muskogee, Indian Territory, November 8, 1904.

Hell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Katie, Lucinda, Pearlee and Sargery L. Blackwell, Gertie, Lunnie and Luis Tinnon, Thomas Ross, Ann Williams, Vinita and Corraill Martin, Mattie Madden, Mattie and Rose McNair, James Landrum, Jesse Roach, Daniel Thompson, Morris A. Sorrell, Adaline Hardman and Mary Riley, and granting the application for the enrollment of Henry Chambers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 31, 1904.

Respectfully,

Tamc Pinby.
Chairman.

Cherokee Freedmen

D-629.

Muskogee, Indian Territory, November 8, 1904.

Mattie McNair,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself and your minor child, James Landrum, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 31, 1904.

Respectfully,

SIGNED: *Tamc Dixby*
Chairman.

Cherokee Freedmen

D-629.

Muskogee, Indian Territory, March 2, 1906.

Fred P. Branson,

Muskogee, Indian Territory.

Dear Sir:

Referring to your letter of February 3, inclosing a petition in the matter of the Cherokee freedmen enrollment case of Mattie McNair, et al., you are advised that until the request of this office that the decision of the Secretary of the Interior, dated October 31, 1904, in the Cherokee freedmen enrollment case of Katie Blackwell, et al., be rescinded so far as the same relates to Mattie McNair and her child, James Landrum, is acted upon, no action will be taken toward rendering a decision as to whether or not the enrollment of one Martha Nailstack upon the 1880 authenticated roll of citizens of the Cherokee nation is the enrollment of the applicant, Mattie McNair.

Respectfully,

LS

Acting Commissioner.

Muskogee, Indian Territory, March 1, 1906.

Honorable Tams Bixby,
c/o Hotel Raleigh,
Washington, D. C.

Dear Sir:

There is inclosed herewith letter, prepared for your signature, addressed to the Department recommending that its decision in the Cherokee freedman enrollment case of Katie Blackwell, et al., of October 31, 1904, be rescinded so far as it relates to Mattie McNair and James Landrum.

If the letter as prepared meets with your approval please return, after attaching your signature thereto, one of the ribbon copies inclosed in order that a letter press copy may be made of the same.

Respectfully,

Incl. GL-2.
GHL

Acting Commissioner.

Muskogee, Indian Territory, March 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On October 31, 1904 (I.T.D. 8138-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the Cherokee freedman consolidated cases of Katie Blackwell, et al. (F. D. 327 et al). Among others embraced in said decision was the application of Mattie McNair for the enrollment of herself and minor child, James Landrum, as Cherokee freedmen. On June 30, 1902, application was made for the enrollment of one Martha Hailstack as a citizen by blood of the Cherokee Nation, her name being identified on the 1880 Authenticated Roll of citizens of the Cherokee Nation, and from testimony taken in connection with said application on September 28, 1905, it is apparent that the Martha Hailstack identified on the 1880 Cherokee Roll is identical with the applicant, Mattie McNair.

It is respectfully recommended that the decision of the Department of October 31, 1904, in the Cherokee freedman case of Katie Blackwell, et al., be rescinded so far as it relates to the applicant, Mattie McNair, and her child, James

Secretary--2.

Landrum, in order that their right to enrollment may be re-
adjudicated in connection with the evidence offered on Sep-
tember 28, 1905, a copy of which is inclosed herewith, in the
matter of the application for the enrollment of Martha Hall-
stack.

Respectfully,

Incl. GL-1.

GHT

Commissioner.

Through the Commissioner
of Indian Affairs.

D. C. 10278-1906

(C O P Y)

Y P.
ILLB

I.T.D. 8138-1904
4 720-1905
8669 - "

DEPARTMENT OF THE INTERIOR

WASHINGTON.

L R S

March 14, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 25, 1905, the Commission to the Five Civilized Tribes recommended that the decision of the Department, in letter to the Commission of October 31, 1904, approving its decision in the Cherokee freedman case of Mattie Blackwell et al., adverse to the applicants, except Henry Chambers, be rescinded so far as it relates to Mattie McNair and her son, James Landrum, as it is believed Mattie McNair can be identified upon the 1880 authenticated Cherokee roll.

The said decision of the Department is hereby rescinded as to Mattie McNair and James Landrum, and you are authorized to re-adjudicate the case. The record is returned as requested.

As, however, motions for review as to other claimants in this consolidated case are pending, it is requested that the record be returned, direct, to the Department with as little delay as possible.

Respectfully

Through the Commissioner
of Indian Affairs.

(Signed) THOS RYAN
First Assistant Secretary

1 inclosure.

COPY.

Cherokee Freedmen

D-629.

Muskogee, Indian Territory, March 20, 1906.

Mattie McNair,

Vimer, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of Departmental letter of March 14, 1906, in which the decision of the Secretary of the Interior, dated October 31, 1904, approving the decision of the Commission to the Five Civilized Tribes in the Cherokee freedmen enrollment case of Katie Blackwell, et al., adverse to the applicants, except Henry Chambers, is rescinded as to yourself and minor child, James Landrun, and the case remanded to this office for readjudication. If any further evidence is required in order to readjudicate your case you will be advised thereof and given an opportunity to offer the same.

Respectfully,

FDI.

J. C. Daniel
Acting Commissioner.

LS

Cherokee Freedmen

D-629.

COPY.

Muskogee, Indian Territory, March 20, 1906.

Fred P. Pranson,

Attorney for Mattie McNair, et al.,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of March 19, in which you ask for an early decision in the Cherokee freedmen enrollment case of Mattie McNair, et al., and the Cherokee enrollment case of Cordelia Lane, et al.

In reply there is inclosed you herewith a copy of Departmental letter of March 14, 1906, wherein the decision of the Secretary of the Interior, dated October 31, 1904, approving the decision of the Commission to the Five Civilized Tribes in the Cherokee freedmen enrollment case of Katie Blackwell, et al., adverse to the applicants, except Henry Chambers, is rescinded as to Mattie McNair and her child, James Landrum, and the case remanded to this office for readjudication. The applicant has this day been advised of this action and informed if any further evidence is required in order to readjudicate her case she will be duly advised thereof and given an opportunity to offer same.

-2-

You are further advised that the Cherokee enrollment case of Cordelia Lane, et al., will be decided at the earliest practicable date.

Respectfully,

~~XXXXXXXX~~

H. M. Beall
Acting Commissioner.

Incl. S-66

Cherokee Freedmen

COPY

D-629.

Muskogee, Indian Territory, March 20, 1906.

Hell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed you herewith a copy of Departmental letter of March 14, 1906, wherein the decision of the Secretary of the Interior, dated October 31, 1904, approving the decision of the Commission to the Five Civilized Tribes in the Cherokee freedmen enrollment case of Katie Blackwell, et al., adverse to the applicants, except Henry Chambers, is rescinded as to Mattie McVair and her child, James Landrum, and the case remanded to this office for readjudication. The applicant has this day been advised of this action and informed if any further evidence is required in order to readjudicate her case she will be duly advised thereof and given an opportunity to offer same.

Respectfully,

Incl. S-67

W. J. D. [Signature]
Acting Commissioner.

Muskogee, Indian Territory, March 24, 1906.

DIRECT.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of March 14, 1906
(I.T.D. 8138-1904, 4720,8669-1905), there is returned herewith
the record of proceedings had in the Cherokee freedmen consoli-
dated applications for enrollment of Katie Blackwell, et al.

Respectfully,

/

Incl. 9-80

Acting Commissioner.

Cherokee Freedmen

D-629.

Muskogee, Indian Territory, March 27, 1906.

W. W. Hastings,

Attorney for the Cherokee nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Acting Commissioner to the Five Civilized Tribes, dated March 26, 1906, to be filed with and made a part of the record in the matter of the application of Mattie McNair for the enrollment of herself and child, James Landrum, as Cherokee freedmen.

Respectfully,

Incl. S-86

Acting Commissioner.

Cherokee Freedmen

D-629.

Muskogee, Indian Territory, March 27, 1906.

Fred P. Branson,

Attorney for Mattie McNair, et al.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Acting Commissioner to the Five Civilized Tribes, dated March 26, 1906, to be filed with and made a part of the record in the matter of the application of Mattie McNair for the enrollment of herself and child, James Landrum, as Cherokee freedmen.

Respectfully,

Incl. S-85

Acting Commissioner.

Refer in reply
to the following
Land
32272-1906

(C O P Y)

G A W

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

April 17, 1906

The Commissioner

to the Five Civilized Tribes

Muskogee, Ind. Ter.

Sir:

On April 3, 1906, your communication of March 3, 1906 requesting the rescission of the decision of the Department, of October 31, 1904, in the Cherokee Freedman Case of Katie Blackwell, et al., so far as it affects Mattie McNair and her son, James Lantrum, applicants therein, was forwarded to the Department.

The office is now in receipt of Department letter of March 9, 1905, returning the enclosure received with your letter and requesting that it be forwarded to you for appropriate disposition in connection with Department letter of March 14, 1906, returning the record in said case for readjudication.

The testimony transmitted with your letter of March 3, 1906, is inclosed.

Very respectfully,

(Signed) C. F. LARRABEE
Acting Commissioner

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen

D-629.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 19, 1906.

Mattie McNair,

Wimer, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, granting the application for the enrollment of yourself and child, James Landrum, as Cherokee freedmen. Your attorney, Fred P. Branson, Muskogee, Indian Territory, has heretofore been furnished a copy of the record of proceedings in this case, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. S-68
Register

Acting Commissioner.

COPY.

Cherokee Freedmen

D-687.

Muskogee, Indian Territory, April 17, 1906.

Fred P. Branson,
Attorney for Mattie McNair, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 10, 1906, granting the application for the enrollment of Mattie McNair et al. as Freedmen. You will therefore have been furnished a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to this office as it is received.

Respectfully,

SIGNED:

Wm. C. Beall
Acting Commissioner.

100. 1-67

Cherokee Freedmen

COPY.

P-629.

Muskogee, Indian Territory, April 13, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 12, 1906, granting the application for the enrollment of Mattie McVair and James Landrum as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be informed of the Secretary's action as soon as this office is advised of the same.

Respectfully,

SIGNED,

W. C. Doolittle
Acting Commissioner.

In 1. 3-70

Muskogee, Indian Territory, April 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Mattie McNair and James Landrum as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, granting said application.

On March 14, 1906 (I.T.D. 8133-1904, 4720-1-05, 3119-1905), the decision of the Department in the Cherokee Freedmen enrollment case of Mattie Blackwell, et al., was rescinded insofar as it related to Mattie McNair and her son, James Landrum, and this office authorized to readjust the case.

Respectfully,

Incl. S-71

Acting Commissioner.

Thank you.

Commissioner of Indian Affairs.

(COPY)

4-Copy--

LAND
36013-1906
43251- ■

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

June 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 13, 1906, transmitting the record of the application for enrollment as Cherokee freedmen by Mattie McNair and her minor son James Landrum. April 19, 1906 the Commission decided favorably to both the applicants.

The records show that on June 1 1901, Mattie McNair appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her minor child, James Landrum, as Cherokee freedmen, and that the applicants were duly listed for enrollment as Cherokee Freedmen certified card 29; the Commission rendered its decision in this among other cases denying the enrollment of Mattie McNair and James Landrum, and that the decision was on October 31, 1904, (ITD 8138-1904) approved by the Department. The record further shows that on March 14, 1906 (ITD 869-05) the Department rescinded its action and returned the case of Mattie McNair and James Landrum

The evidence in the case shows that Mattie McNair born Falstock is the daughter of one Mannie Vann born Morgan who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was born in the Cherokee Nation since 1866, is clearly identified on the 1880 authenticated tribal roll, and has continuously resided in the Cherokee Nation since birth; that James Landrum is the son of the principal applicant, was born in the Cherokee Nation since 1880 and has continuously resided therein since his birth.

In view of the record and of Section 21 of the Act of June 28, 1898(30 Stats., 495), the approval of the Commissioner's decision favorable to the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

1897

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D.C.29157.

G.R.

I.T.D.11024-1906. DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

L.R.S.

July 6, 1906..

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

To aid in the adjudication of the application of Mattie McNair, for the enrollment of herself and her child, James Landrum, as Cherokee freedmen, you are requested to transmit transcript of the testimony taken in the matter of the application for the enrollment of Charley Hailstock, whose name appears opposite No. 3625 upon the partial roll of Cherokee freedmen approved by the Acting Secretary of the Interior November 16, 1904; also transcript of the testimony taken in the matter of the application for the enrollment of Rosie Coleman, whose name appears opposite No. 2042 on the partial roll of Cherokee freedmen approved by the Acting Secretary of the Interior January 16, 1903, and also transcript of the testimony taken in the matter of the application of Nancy Vann, whose name appears opposite No. 2688 upon the partial roll of Cherokee freedmen approved by the Acting Secretary of the Interior January 16, 1903.

You are also requested to report the ages, and whether

enrolled as "adopted colored" or native Cherokee, of Martha Hailstock, identified on the 1880 Cherokee tribal roll, Tahlequah District, No. 1067; Jennie Hailstock, identified on the 1880 Cherokee tribal roll, No. 1068; Nancy Hailstock, identified on the 1880 Cherokee tribal roll, No. 1069, and Ann Hailstock, identified upon the 1880 Cherokee tribal roll, No. 1066, and such annotations opposite their names as may appear of record.

An early report in the matter is desired.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

(COPY)

④-Copy--

LAND
36013-1906
43261- •

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

June 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 13, 1906, transmitting the record of the application for enrollment as Cherokee freedmen by Mattie McNair and her minor son James Landrum. April 19, 1906 the Commissioner decided favorably to both the applicants.

The records show that on June 8 1901, Mattie McNair appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her minor child, James Landrum, as Cherokee freedmen, and that the applicants were duly listed for employment as Cherokee Freedmen certified card 29; the Commission rendered its decision in this along other cases denying the enrollment of Mattie McNair and James Landrum, and that the decision was on October 31, 1904, (ITD 8138-1904) approved by the Department. The record further shows that on March 14, 1906 (ITD 8869-05) the Department rescinded its action and returned the case of Mattie McNair and James Landrum.

The evidence in the case shows that Mattie McNair born Halstock is the daughter of one Mannie Vann born Morgan who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was born in the Cherokee Nation since 1868, is clearly identified on the 1880 authenticated tribal roll, and has continuously resided in the Cherokee Nation since birth; that James Landrum is the son of the principal applicant, was born in the Cherokee Nation since 1880 and has continuously resided therein since his birth.

In view of the record and of Section 21 of the Act of June 28, 1898(30 Stats., 495), the approval of the Commissioner's decision favorable to the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

~~MMK~~

C

Muskogee, Indian Territory, July 19, 1906

The Honorable,

The Secretary of the Interior.

Sir:

As requested in Departmental letter of July 6, (I.T.D. 11024-1906), there are enclosed herewith, to be used in connection with the adjudication of the application for the enrollment as Cherokee freedmen of Mattie McNair, et al., copies of the testimony in the Cherokee freedmen cases of Charley Nailstock (Cherokee freedman 1313), Rosie Coleman (Cherokee freedman 849), and Nancy Vann (Cherokee freedman 1140).

Further complying with your request, you are advised that the persons below named are identified on the 1880 authenticated roll of citizens of the Cherokee Nation, Tahlequah District, and notations appear opposite their names, as follows:

Secretary--2

Schedule 1, Census of Tahlequah District, Cherokee Nation, 1880.
Persons Entitled to and Exercising Citizenship.

Names	Native or Adopted.	Race or prior Nationality	Age	Sex	Remarks
1066 Hailstack Ann	Na.	Ch.	24	Fem	Note by census taker "Not counted in the aggregate-Doubtful". No indication that they are suspended for examination.
1067 Hailstack Martha	"	"	9	"	
1068 Hailstack Jennie	"	"	6	"	
1069 Hailstack Nancy	"	"	5	"	

Respectfully,

Through the

Commissioner of Indian Affairs.

M B

Commissioner

encl. B-12

D.C.41522

(COPY)

G.R.

DEPARTMENT OF THE INTERIOR
WASHINGTON

LLB

I.T.D. 4720-1905.
11024-1-06.
16646- *

September 19, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Acting Commissioner of Indian Affairs dated June 15, 1906, your decision of April 19, 1906, finding that Mattie McNair, nee Hailstock is identical with Martha Hailstock whose name appears upon the authenticated Creek tribal roll of 1860, and that her minor son, James L. ndrum, born to her since the date of said roll, are entitled to enrollment as Cherokee freedmen, is hereby affirmed.

You will advise applicant and her resident counsel Fred P. Branson, Esq., of Muskogee, Ind. T., of this action.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse E. Wilson

1 inclosure.

Assistant Secretary.

Cherokee F.
D 629

COPY

Muskogee, Indian Territory, October 3, 1906.

Mattie McNair,
Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, granting the application for the enrollment of yourself and child James Landrum, as Cherokee freedmen was affirmed by the Secretary of the Interior, September 19, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and child until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be notified.

Respectfully,

H.J.C.


Commissioner.

Cherokee F.
D. 629

Muskogee, Indian Territory, October 3, 1906.

Fred P. Branson,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental decision of September 18, 1906, affirming the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, granting the application for the enrollment of Mattie McHair, nee Hallstock, and minor child James Landrum as Cherokee freedmen.

Respectfully,

Encl.H.J.-81.
H.J.C.

Commissioner.

Cherokee F
D 629

Muskogee, Indian Territory, October 3, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated April 19, 1906, granting the applications for enrollment of Mattie McNair nee Hallstock, and James Landrum, as Cherokee freedmen, was affirmed by the Secretary of the Interior, September 19, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-50.
H.J.C.

Commissioner.

Mustygee, Indian Territory, 1/11 1905

RECEIVED OF THE COMMISSIONER TO THE CIVILIZED

THE ONE COPY OF THE APPLICATION OF Martha Hailstock 2023/4

Geo P. H. H. H. H.

Attorney for Applicant

EMPTY

Cher Fr 1531

Trans. from Cher Fr D451

Cher Fr 1531

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

CHIEF CLERK,

CHEROKEE LAND OFFICE.

DEAR SIR:

The records of this office show

George Adams, Cleveland Adams and Clark Adams

listed on Cherokee card No.

101531

to be prima facie entitled to enrollment as _____ of the Cherokee Nation for the following reason,

viz:

None

Respectfully,

Commissioner.

Dated

July 20 1897



EMPTY

Cher Fr 1533

Trans. from Cher Fr D543

see Cher Fr R920

Cher Fr 1533

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE, I.T., JUNE 6th, 1901.

In the matter of the application of Sarah Allen for the enrollment of herself and two children as Cherokee Freedmen; said Allen being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Smith & Mellette, Attorneys for Applicants.
Mr. W. W. Hastings, Cherokee Representative:

- Q What is your name? A Sarah Tucker.
Q How old are you? A 30.
Q What is your postoffice? A Coffeyville.
Q What district do you live in? A Coowasecooee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A My children.
Q How many children have you? A Two.
Q Give me the names of your children? A Oscar.
Q Oscar Tucker? A Yes, sir.
Q How old is he? A 14.
Q The name of the next child? A Louisa.
Q How old is Louisa? A She is 11.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Willis Tucker, my husband is dead.
Q You were married to him were you? A Yes, sir, I was married to him.
Q Is your name on the roll of 1880, do you know? A I don't know as it is.
Q Have you been married since the death of Willis Tucker?
A Yes, sir, I married again since then.
Q What is your husband's name? A His name was Allen.
Q If you were married to a man by the name of Allen how does your name happen to be Tucker? A That is the way I was enrolled.
Q I didn't ask you that did I? A Well my name is Allen.
Q What are these children's names? A Oscar Tucker and Louisa Burney.
Q Who was the father of Louisa Burney? A James Burney.
Q Were you married to him? A No, sir.
Q Never been married but twice? A No, sir.
Q Is your present husband living? A Yes, sir.
Q What is his name? A Henry Allen.
Q Is he a Cherokee Freedman? A No, sir.
Q What is known as a State man is he? A Yes, sir.
Q What was your father's name? A Jacob Ross.
Q Your mother's name? A Mariah Ross.
Q Are they living? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.

BY MR. SMITH:

- Q ~~Has he~~ Are your father and mother the same persons who applied for enrollment here this morning for themselves? A Yes, sir.
Q Have you any brothers? A Yes, sir.
Q What are your brothers' names? A George Ross, Mose Ross and Will Ross.
Q Where do you live now? A I live on Snow Creek, near Snow Creek.
Q Is it in the Cherokee Nation? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you on the Kern-Clifton roll? A Yes, sir

Sarah Allen, et al.--2.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 169, #4176, Sarah Tucker, Cooweescoowee District.
Page 169, #4177, Oscar Tucker, Coowee-coowee District.
Page 169, #4178, Lou Burney Tucker, Cooweescoowee District.

BY COM'R NEEDLES:

Q Are these children both living at this time? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES:--Sarah ALLEN applies for the enrollment of herself and two children, Oscar Tucker and Louisa Burney. She avers that she is the child of Jacob and Mariah Ross who are listed for enrollment as Cherokee Freedmen on doubtful card No. 539, and the testimony taken in said case will be made part of the record in the case at bar and a copy of the same will be filed with the testimony taken in the case of the applicant. She is duly identified upon the Kern-Clifton roll as Sarah Tucker, that having been the name of her first husband who is now deceased. She avers that she has two children, Oscar Tucker and Louisa Burney, and they are duly identified upon the Kern-Clifton Roll. She avers that she is now married to one Henry Allen, a non-citizen. She is duly identified and makes satisfactory proof as to residence, consequently Sarah Allen and her two children as enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card. She will be notified by mail of the decision of the Commission in her application when the same is arrived at.

THE APPLICANT RE-CALLED, further testified: BY MR. HASTINGS:

Q Were you married to Tucker? A On Snow Creek.
Q When? A 15 years ago, the 29th of next month.
Q Who married you? A Andrew Risley.
Q Have you been any in Kansas since then? A No, sir, never have been there to life.
Q Been there to work? A Yes, sir.
Q Where were you married to Allen? A I was married to Allen in Coffeyville, Kansas.
Q What is Allen doing now? A I don't know what he is doing.
Q Are you living with him? A No, sir.
Q How long did you live with him? A I lived with him from December until July.
Q Until the following July? A Yes, sir.
Q In Coffeyville? A No, sir.
Q Where? A On Snow Creek.

BY COM'R NEEDLES: Snow Creek, in the Cherokee Nation? A Yes, sir.

---000000000---
J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of June, 196L.

J. O. Fosson
[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 6 1901

[Handwritten signature]

CHEROKEE FREEDMEN.

Date JUN 6 1901

Post Office [Handwritten]

District [Handwritten]

1. Name [Handwritten] Age [Handwritten]
Owner's name [Handwritten] Citizenship [Handwritten]
Year [Handwritten] Page [Handwritten] No. [Handwritten] District [Handwritten]

Parents:

Father [Handwritten] Citizenship [Handwritten]

Mother [Handwritten] Citizenship [Handwritten]

2. Name of wife [Handwritten] Age [Handwritten]

Owner's name [Handwritten] Citizenship [Handwritten]

Year [Handwritten] Page [Handwritten] No. [Handwritten] District [Handwritten]

Parents:

Father [Handwritten] Citizenship [Handwritten]

Mother [Handwritten] Citizenship [Handwritten]

Names of Children:

- 3. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
4. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
5. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
6. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
7. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
8. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
9. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
10. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
11. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]
12. [Handwritten] Year [Handwritten] Page [Handwritten] No. [Handwritten] Dist. [Handwritten]

Application made by [Handwritten]

Stenographer [Handwritten]

[Large handwritten section containing signatures and notes, including the number 539]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 6, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Louisa Burney as a Cherokee freedman.

It appears that on the 7th day of March, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 6, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Louisa Burney by Sarah Allen.
Cherokee Nation by its attorney, W. W. Hastings.

SARAH ALLEN, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Sarah Allen.

Q What is your age? A 33.

Q What is your postoffice address? A Coffeyville, Kansas.

Q You claim a right for the enrollment of yourself and two minor children as Cherokee freedmen, do you? A Yes, sir.

Q What are the names of your two children? A Oscar Tucker and Louisa Burney.

Q What is the name of the father of this child, Louisa Burney?

A James Burney.

Q Is he living? A Yes, sir, he is living.

Q Are you living with him now? A No, sir.

Q Were you married to him? A No, I wasn't married.

Q Is he a Cherokee freedman? A Yes, sir.

Q Has he ever applied for enrollment as such? A Yes, sir he has applied for enrollment as a Cherokee freedman. The difference is this. He goes by his step-father's name, and I had her enrolled by his own name. He goes by the stepfather's name, which is Dave French.

Q He has applied to this Commission for enrollment under the name of James French then, has he? A Yes sir.

Q Has this James French got any family or did he just apply for the enrollment of himself? A I don't know if he ever enrolled any family, because he just married; this is the last enrollment that has ever been since he married.

Q About how old is he? A I don't know. He is about, I don't know exactly; about 38 or 39, I guess.

Q What is his postoffice address? A I don't know; Lenapah used to be, but since he lived on Big Creek I don't know.

Q What do you say his father's name is? A Dave French.

Q What is his mother's name? A Lucinda.

Q Has James French got a son besides the one he had by you? A Yes.

Q What is its name? A Willie.

- Q Is that the only one? A No, he has got two children.
Q What is the other's name? A Cora, I think.
Q What is the name of James Burney's present wife? A Mary, and the two children, Willie and Cora.
Q Does he go by the name of Burney or French usually? A Mostly by Burney, either one you call him by.

Commission:

James Burney, his wife, Mary, and two children have been listed for enrollment on Cherokee freedmen straight card 1074.

By Mr. Hastings:

- Q Did you ever live with James French as his wife? A Yes, sir.
Q Where did you live with him? A In Gooseneck.
Q How long? A I would stay sometimes three or four months, two or three months; stayed between times.
Q When were you married to your first husband, Tucker? A It has been 17 years the 29th of last July.
Q Is he alive yet? A No, sir.
Q When did he die? A He died 14 years ago the 12th of last November.
Q Then he died in '88 did he? A Yes, sir, I guess so.
Q When did you next marry? A The last time I married?
Q The time you married after Tucker died? A Five years ago last December.
Q You were never lawfully nor regularly married to anyone between the time Tucker died and the time you married Allen? A No, sir.
Q You had this one child? A Yes.
Q Did you and James Burney, or French, keep house together, I mean a separate house? A Yes, sir.
Q Lived in a house separate and apart from anybody else? A Yes, sir.
Q Where at? A In Gooseneck.
Q On a farm? A Yes, on his own place.
Q Did he have any other wife at that time? A No, sir, he never had any wife at all.
Q Why did you enroll this child as Tucker before the Kerns-Clifton Commission? A I never did enroll her as Tucker.
Q It is on the Kerns-Clifton roll that way? A I don't know how it come. I always enrolled her as Burney.
Q Then if it is enrolled that way it is a mistake, is it? A Yes, sir.
Q Has this man always acknowledged this child as his child? A Yes, sir, he always acknowledged her and took care of her up until the time he married, and I asked him not to do any more or pay any more attention to her, unless he could treat his family justly, and then take care of her. He had provided enough for her.
Q Where were you living when this child was born? A I was my mother's.
Q Was he there? A No, sir, he wasn't there.
Q Where was he? A He was home, about four miles from there.
Q Did everybody in the neighborhood know that it was his child?
A Yes, sir, there was nothing to hinder them from knowing it; they could tell from what he said.

JOHN BALDRIDGE, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A John Baldrige.
Q How old are you, John? A 34 year and born in the year 1830.
Q What is your postoffice address? A Coffeyville.

- Q You claim right to enrollment as a Cherokee freedman, do you?
A Yes, sir.
Q Do you know Sarah Allen? A Yes, sir.
Q Do you know her children? A Yes, sir.
Q How many has she? A Two.
Q What are their names? A I don't know the boys and girls' names. I know three children, but I don't remember the names.
Q Do you know the name of either of them? A No, I know the, but don't keep their names.
Q She has only two children? A She had three; one died.
Q She has two living now? A Yes, sir, boy and girl.
Q Do you know who is the father of these two children? A The girl it is always said was Jim Burney's; that's my understanding.
Q Is Jim Burney a Cherokee freedman? A Yes, sir.
Q Has he ever applied for enrollment? A He is on the 80 roll.
Q What is the name of his wife now? A I don't know. I know the boy well.
Q Was Jim Burney ever married to this woman, Sarah Allen? A Not that I know of.
Q Did they ever live together? A They were living together as the Indian custom was.
Q Was this child born during the time they were living together?
A I think so, but I wouldn't be positive.
Q You don't know that of your own knowledge? A No.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this the 7th day of April, 1904.

Charles H. Sawyer

Notary Public.

C.F.P.

Cher. F. 1533

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
CHEROKEE LAND OFFICE.
Muskogee, Indian Territory, May 18, 1907.

- - - - -

In the matter of the application for the selection of an allotment in the Cherokee Nation for Louisa J. Gunter, nee Burney.

Louisa J. Gunter, being duly sworn by Mrs. Frances R. Lane, testified as follows:

On behalf of Commissioner:

- Q What is your name?
A Louisa J. Gunter.
Q What is your age?
A 20.
Q What is your postoffice address?
A Claremore, Indian Territory.
Q Do you appear here today for the purpose of making a selection of allotment in the Cherokee Nation?
A Yes sir.
Q Are you married?
A Yes sir.
Q What is the name of your husband?
A Mitchell Hunter.
Q When were you married to Mitchell Gunter?
A January 26, 1906.
Q What was your name before you married?
A Louisa Burney.
Q You were enrolled under that name, were you?
A Yes sir.

- - - - -

I, May Hudson, state upon oath that as stenographer to the Commissioner to the Five Civilized Tribes I reported the above testimony and that the foregoing is a true and complete transcript of my stenographic notes thereof.

May Hudson

Subscribed and sworn to before me
this 18th day of May, 1907.

John W. Roper

Notary Public.

Cher Fr 1534

Trans: from Cher Fr D956

Cher Fr 1534

13

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE MORE CIVILIZED TRIBES
FI 3, 1901
JUN 29 1901

[Handwritten scribble]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 21 1868*

Post Office *Sumner S.C.*

District *14*

1. Name *William M. Mott* Age *50*

Owner's name _____ Citizenship _____

Year *1865* Page *27* No. *3729* District *14*

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

2.	<i>William Mott</i>	Year <i>1865</i>	Page <i>27</i>	No. <i>3729</i>	Dist. <i>14</i>
3.	<i>John</i>	Year <i>1865</i>	Page <i>27</i>	No. <i>3729</i>	Dist. <i>14</i>
4.	<i>John</i>	Year <i>1865</i>	Page <i>27</i>	No. <i>3729</i>	Dist. <i>14</i>
5.	<i>John</i>	Year <i>1865</i>	Page <i>27</i>	No. <i>3729</i>	Dist. <i>14</i>
6.	<i>John</i>	Year <i>1865</i>	Page <i>27</i>	No. <i>3729</i>	Dist. <i>14</i>
8.		Year _____	Page _____	No. _____	Dist. _____
9.		Year _____	Page _____	No. _____	Dist. _____
10.		Year _____	Page _____	No. _____	Dist. _____
11.		Year _____	Page _____	No. _____	Dist. _____
12.		Year _____	Page _____	No. _____	Dist. _____

Application made by *W. M. Mott* Stenographer *W. M. Mott*

1 On Wallace roll 49 # 5 10 - 100
~~*3 Birth roll*~~
2 On Wallace roll Page 49 # 3 6 Ben. Mott
3 Birth roll to be reviewed

Witnessed by [Signature] and [Signature]

IN RE
Application for Enrollment of
INFANT CHILD

Ada Whitmire

as a citizen of

Cherokee

Nation.

Approved Jul 11 1901 190

C. B. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED JUL 11 1901

TAYLOR
ACTING CHAIRMAN.

11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Ada Whitmire, born on the 25th day of Oct., 1885

Name of Father: Frank Whitmire, a citizen of the Cherokee Nation.

Name of Mother: Martha Whitmire, a citizen of the U. S. Nation.

Postoffice: Wimer I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Cocweescoowee DISTRICT.

I, Martha Whitmire, on oath state that I am 40 years of age and a citizen, by Birth, of the United States Nation;

that I am the lawful wife of Frank Whitmire, who is a citizen, by

Birth, of the Cherokee Nation; that a Female child was

born to me on 25 day of Oct. 1885; that said child has been named

Ada Whitmire, and is now living.

WITNESSES TO MARK:

her Martha X Whitmire mark

(Must be Two Witnesses) Winona V. Blair.
Andy Webber

Subscribed and sworn to before me this 6 day of July 1901

(SEAL) J. W. Blair Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Betsy Meggs, a midwife, on oath state that I

attended on Mrs. Marthy Whitmire, wife of Frank Whitmire

on the 25 day of Oct. 1885; that there was born to her on said date a Female

child; that said child is now living and is said to have been named Ada Whitmire

WITNESSES TO MARK

her Betsy X Meggs mark

(Must be Two Witnesses) Winona V. Blair
Andy Webber

Subscribed and sworn to before me this 6 day of July 1901

(SEAL) J. W. Blair Notary Public.

1000

SEP 9 1901

NEW YORK

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Frank R. Williams for en-
rollment as Cherokee Freedmen.

Cherokee Freedmen # 1151

Attache for applicants

No. D. 756

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of Frank Whaladra
for enrollment as a Cherokee citizen;

Case No. D 951

To Frank Whaladra or Mellet A Smith his attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T.

Indian Territory, on Sept. 20th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901


Attorneys for the Cherokee Nation.

File with C.F. D-956, Frank Whitmire, et al.

SUPPLEMENTAL: C.F.D-956.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 27, 1901.

In the matter of the application of Frank Whitmire et al for
enrollment as Cherokee Freedmen.

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. Ja's Davenport, for the Cherokee Nation.

WATT STARR, being sworn by the Commission, testified as follows:

BY MR. DAVENPORT:

Q State your name? A Watt Starr.

Q Where do you live? A Near Claremore.

Q How old are you, Mr. Starr? A 56 years old.

Q How long have you lived in the Cherokee Nation? A About 53 years,
I was out 3 years during the war, and I have lived here all my life
but that.

Q Did you go out of the Cherokee Nation during the war? A Yes sir

Q In what district do you live in the Cherokee Nation before the
war? A Goingsnake.

Q Did you know before the war a slave by the name of Frank Whitmire
A Yessir.

Q To whom did he belong, if you know? A Belonged to Johnson Whit-
mire.

Q You know whether or not Frank went out during the war? A Yes sir
he went out.

Q Have you seen Frank Whitmire since the war? A Yes sir.

Q When was the first time you saw him after the war, Judge? A
Best I can recollect it was in '77 or '78, one or the other, I don't
recollect just which, in the fall.

Q Where was it you saw him? A On Big Creek.

Q In the Cherokee nation? A Yes sir.

Q Did you have any conversation with him at that time as to whether
he had been and when he came back? A Yes.

Q State what that conversation was, as near as you can remember?

A He said he hadn't been back but a few days, just had come in a
few days before I saw him, and said he had been to Kansas; I
asked him why didn't he come back sooner, he said he just couldn't
get back.

Q You had been raised with him before the war, or near him? A
Yes sir, in a mile and a half or two miles of him.

Q Before you met him this time you speak of did you hear that he
had returned? A I heard what he did, and I started over to see
him and I met him; we was raised up together and were boys together,

~~and that's~~ Q And that's when he told you then that he had just come
back from Kansas? A Yes sir.

BY MR. SMITH:

Q Mr. Starr, what date did you say that was? A '77, or '78, one
or the other.

Q When did you first have occasion to remember the date that you
met him, when was the subject first made a subject of inquiry,
after the time that you met him? A I talked about meeting him off
and on, I never was sworn to any statement until that Kerns Clifton
Court.

Q You testified before the Kerns Clifton court did you? A Yes sir.

Q Now from the time you met Frank Whitmire until the Kern Clifton
court, you had no occasion to remember anything about the date
that you saw him did you? A No I don't recollect, ~~there was no~~
~~occasion~~.

Q That was some 28 or '9 years after you saw him wasn't it? A I
don't know when the Kerns Clifton court was; I kept no account of it.

Frank Whitmire 2 (sup'1)

- Q That was in 1896 when the Kerns Clifton court sat? A I couldn't say.
- Q You remember it has been within the last 7 or 8 years? A Yes sir.
- Q Now you can't state whether it was in '67 or '68? A No, I ~~can't~~ I know it was not then, it was in '77 or '78.
- Q '77 or '78? A Yes, no '67 about it.
- Q You don't know anything about where he was in '67 or '68? A No I don't; he told me he was in Kansas; he told me he just come from Kansas.
- Q Now where were you in '67 and '68? A In Goingsnake District.
- Q Where were you in '66? A Goingsnake.
- Q Where were you in '65? A In the Choctaw Nation part of the time.
- Q When did you return to the Cherokee Nation after the war? A I aint no slave.
- Q I know, but many of the Cherokees went out? A I come back the fall after peace was made, in '65.
- Q Nearly all of the Cherokees went out of the Nation during the war? A No.
- Q Most of them went out didn't they? A Several of them went out.
- Q All I want to know is when you got back after the war? A '65, I think, in '65.
- Q Now you never saw this slave, Frank Whitmire, until along in '77 or '78? A No, '77 or '78 one or the other, I couldn't just tell you which.

Commission: This testimony will also be made a part of the record in doubtful Cherokee Freedman case, card No. 974.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this October 7th ~~1891~~ 1901.

[Signature]

Commissioner.

"R"

File with C. F. D- 956, Frank Whitmire, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of Frank Whitmire et al., for enrollment as Cherokee Freedmen.

Appearances:

Mr. Smith, of Kellette & Smith, attorneys for applicants, post-office, Vinita, I. T.

W.W.Hastings, of attorneys for the Cherokee Nation.

SAM COLEMAN, being sworn and examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A Sam Coleman.

Q How old are you? A 46.

Q What is your post-office address? A Parkville, Missouri.

Q How long have you lived in the neighborhood of Parkville, Missouri? A I have lived there in the neighborhood of Parkville Missouri, I have lived there about thirty years.

Q You know a colored man up there by the name of Frank Whitmire? A Yes sir, used to know him.

Q Did you know his wife? A Yes sir.

Q What was her name? A She went by the name of Jane Whitmire up there.

Q Did you know her before he married her? A No sir.

Q Did this Frank have any children? A Yes sir.

Q You remember any of their names? A I remember two of them their names, Charley was one of them and one Oscar, and he had a girl I can't tell her name.

Q When did you first learn to know Frank Whitmire and his family?

A Along about '73.

Q How long did you know them there? A I knowed them up until along about '80, '81.

Q 7 or 8 years? A Yes sir.

Q Were they living up there? A Yes sir.

Q In a house? A Yes, in a half mile of where I was raised at.

Q Was it in town or in the country? A In the country on a farm, he farmed there.

Q Where were you living? A I was farming, working for a man on a farm.

Q Was Frank younger or older than you? A Frank were older than I am.

Q About how much? A I suppose Frank must have been 10 or 15 years older than I am.

Q You know what finally became of him, where he went to? A Well he sold out his property, his teams and tools he had working with on the farm and he said he was coming to the Cherokee Nation, and I hauled his family to the depot for him.

Q You remember what year that was? A That was in the year of '89 I think.

Q And you had known him from about '72 or '73? A Yes sir.

Q During that time they lived there as your neighbors? A Yes sir.

Q You see him frequently during that time? A Pretty near every day, I was with him, I worked for a man that raised me there, worked for him.

BY MR. SMITH:

Q What did you say your name was? A Sam Coleman.

Q You say this man that you are talking about is 15 years older than you are? A I said I supposed he was 10 or 15 years older, I don't know exactly his age.

Q How old are you? A 46.

Q. You don't know anything at all of the whereabouts of Frank Whitmire? Or any of his family, before '72 or '73 when you first got acquainted with them? A. No sir.

Q. You don't know where they were then? A. No sir.

Q. Where were you living in '72 or '73? A. I was living up near Farley, in Platt County, Missouri.

Q. How long has it been since you saw this man Frank Whitmire?

A. It was '81 as well as I can remember that he left there.

Q. You haven't seen him since? A. No sir.

Q. You don't know whether the man that is applying here is the man that you are talking about do you? A. I don't know it, but I think it is.

Q. I don't want to know anything about what you think? A. Well of course I don't know it.

BY MR. HASTINGS:

Q. How far is Parkville, Missouri from Springfield, Missouri, I don't know exactly how far it is.

Q. How far was it from where you first knew this man in '73, how far was it from where you moved to where you knew this man in '73 that is the way I want to get it; you come down in the neighborhood of where he lived? A. He come in the neighborhood of where I lived; I knew him before he moved to our neighborhood where I lived.

GEORGE DAVIS, being first duly sworn, and being examined testified as follows:

BY MR. HASTINGS:

Q. What is your name? A. George Davis is my name.

Q. How old are you? A. Going on 58.

Q. Where do you live? A. Parkville, Platt County, Missouri.

Q. How long have you lived there? A. I have been over in Platt County ever since '72.

Q. Do you know a colored man up there named Frank Whitmire? A. Yes sir.

Q. You know his wife? A. No sir.

Q. You know any of his family? A. No I only know him up by passing right by his house; I never was at his house but worked around that neighborhood.

Q. How old was he with reference to your age, was he older than you?

A. I should judge him to be a man about my age.

Q. You know that he had a wife? A. Yes sir.

Q. Did he have some children? A. I think from what I could see passing by as much as three or four.

Q. But you don't know their names? A. No sir.

Q. What was Frank doing up there? A. He was living on a place, I don't know exactly whether he was farming or just working around.

Q. How long did you continue to know him? A. About a year, '72 up until about '76.

Q. How did you fix it to have been '72? A. '72.

Q. How did you fix that, how did you fix the date that you begun to know him? A. I came over there in that year. Hired to a man that lived over there, close to him.

Q. You know what finally became of him? A. No sir.

Q. You know whether he claimed to be a Cherokee slave or not? A.

That's what I always understood; people that was acquainted with him.

Q. How long did you say you continued to know him? A. From '72 up until about '76.

Q. Lived there with his family during that time? A. Yes sir.

Q. You know Sam Coleman up there? A. Yes sir.

Q. How far did he live from Sam Coleman? A. Sam Coleman, I think he lived about maybe a mile or maybe not so far, half a mile maybe.

BY MR. SMITH:

Q. Where did you go from when you went to this place and hired out? A. I went from Leavenworth City, old Platt County.

Q You don't know whether this man that you are talking about had any family or not do you? A Don't know whether he had any family or not?

Q No; do you? A Oh know I saw him there at his house.

Q You said awhile ago you didn't know his wife at all? A No, I was not acquainted with his wife, I couldn't swear that she was his wife, but she seemed to be living there with him.

Q How many times did you ever passed there? A I could not state the exact number of times, but a good many times; I passed there as often as three or four times during the week, ~~was~~ visiting a family that lived close to him.

Q And when did you leave the neighborhood? A When did I leave that neighborhood?

Q Yes. A I left there about '76 and went down about to where I live now.

Q Where you live now? A Yes sir.

Q How far is that? A About nine miles and a half below there.

Q Did you ever see this man after '76? A No sir, not after I left from up in that neighborhood.

Q How many years was it after the war, or was it before the war that you knew this man? A Before the war.

Q Did you know him before the war or after the war? A No sir, I didn't know him before the war.

Q Well, how many years after the war? A I got acquainted with him in '72.

Q Well about how many years was that after the war, do you know? A No, I don't know exactly.

Q Can you state how long you knew him, how many months or whether you knew him a year or more or less? A About a year.

Q You knew him how long? A About six years.

Q You are certain it was '72? A Yes sir, from '72 until '76, and then I lost trace of him.

Q From '72 until '76, you think that's six years? A I should think it ought to be six years, aint it?

Q You don't know anything about the man who has applied here, you don't know whether it is the same man you are talking about or not, do you, you don't know whether the Frank Whitfire you are talking about is the Frank Whitfire who has been in that petition before this Commission? A No sir, I could not swear it.

BY COMMISSIONER: This will be filed in Cherokee Freedmen D-974, D1090, and this case at bar.

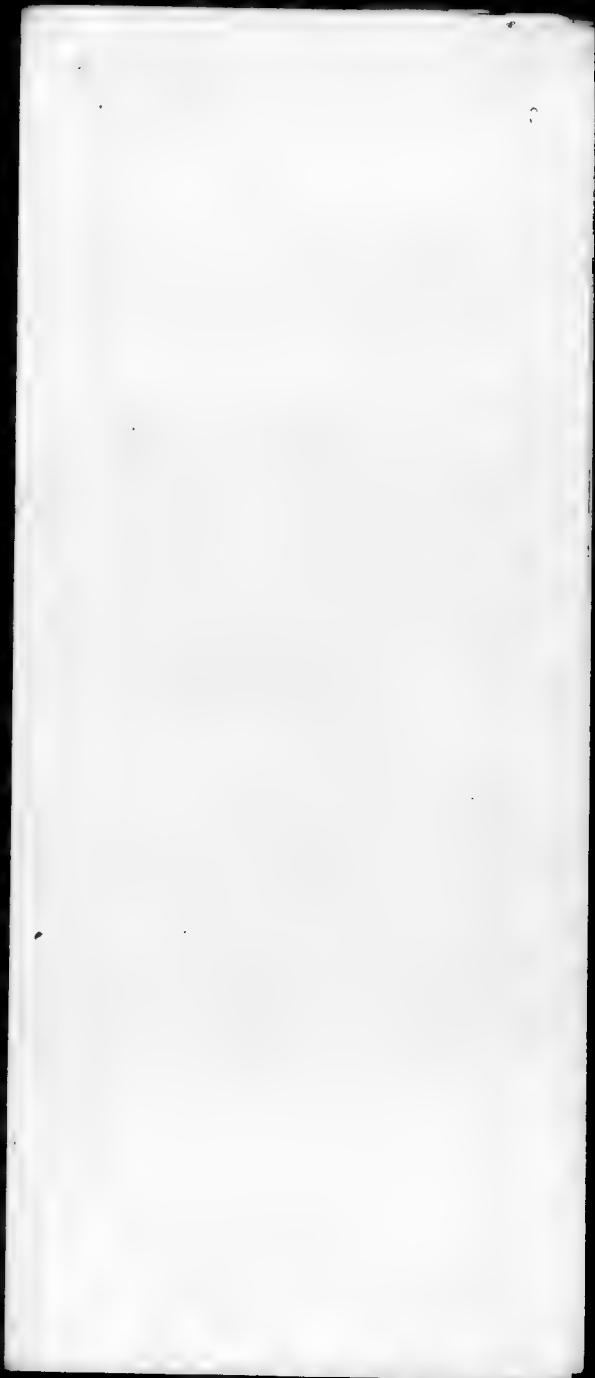
M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 24, 1901.



Commissioner.



NOTICE!

IN THE MATTER OF the application of **Frank Whitmire et al**
for enrollment as Cherokee Freedmen
Case No. F. D. **956**
To **Frank Whitmire or Mellette & Smith His Attorneys.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on **FEB 17 1902** at **8 o'clock A. M.** from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **FEB 4 1902**

W. Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

Freed D 820

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskege, I. T., May 31, 1902.

In the matter of the application of FURRY ASAY for enrollment as a Cherokee Freedman:

Applicant appears by Mellette Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Frank Whitmire, D 956;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher
Supp'l to Freed D 956

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 3, 1903.

In the matter of the application of FRANK WHITMIRE, for the enrollment of himself, and his children, JESSE, ADA, GEORGE and BESSIE WHITMIRE, and ELLA BRYANT, as Cherokee Freedmen:

SHERMAN BRYANT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A Sherman Bryant.
- Q How old are you ? A Twenty five years old.
- Q What is your post office ? A Hudson, I. T.
- Q Are you a Cherokee Freedman ? A Yes sir.
- Q You are a married man ? A Yes sir.
- Q Who did you marry ? A I married Ella Whitmire.
- Q Was she a daughter of Frank Whitmire ? A Yes sir.
- Q How old is your wife ? A My wife is twenty one years old, so she says.
- Q Oh I guess she is mistaken about that. A Well, she don't hardly know her age, neither do her parents, but they say she is about that age.
- Q She was enrolled by her father two years ago, and he gave her age then as fifteen, that would make her seventeen now.
- A Is that so ? Well I don't know any more than what her parents told me.
- Q Did her parents tell you she was twenty one ? A Yes sir.
- Q Has she an elder sister Ada ? A Yes sir.
- Q How much elder than your wife is Ada ? A I don't know, I never heard her say how old she was.
- Q She has got a brother George ? A Yes sir.
- Q How old is he ? A I don't know.
- Q About how old do you think he is ? About how much younger than your wife ? A Why I don't hardly know just about how old that boy is, I mean George; I think he is about twelve, I guess somewheres along there, I suppose he is, I don't know.
- Q That would make him nine years younger than your wife ?
- A I suppose so.
- Q Well, do you think he is that much younger ? A I will tell you the honest truth, I don't know how old them children is, honest.
- Q When were you married to Ella Whitmire ?
- A I married Ella Whitmire last April 16, 1902.
- Q Have you got a marriage certificate ? A Yes sir.
- Q At home is it ? A Yes sir.
- Q Will you send it to the Commission when you go home ?
- A Yes sir, I will.
- Q Now you have no children by this wife have you ?
- A No sir, I have no children.
- Q You have been living with her ever since you married her, have you ?
- A Yes sir.
- Q That's the first time you were ever married, is it ?
- A Yes sir, that's the first time I ever was married.
-

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this July 23, 1903.

Samuel Foreman

Notary Public.

MARRIAGE LICENSE.

United States of America,)
Indian Territory,)ss
Northern District.)

No. 461

To any person authorized by law to solemnize marriage--greeting:
You are hereby commanded to solemnize the rite and publish the
banns of matrimony between Mr. Sherman Bryant of Hudson, in the
Indian Territory, aged 24 years, and Miss Ella Whitmire of Hudson,
in the Indian Territory, aged 19 years, according to law, and do you
officially sign and return this license to the parties therein named.
Witness my hand and official seal at Vinita, Indian Territory, this
12th day of April, A. D. 1902.

Chas. A. Davidson,
Clerk of the U. S. Court.

By R. H. Lybrand, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, A. W. Ward, a minister of the Gospel, do hereby certify,
that on the 15 day of April, A. D. 1902, I did duly and according
to law as commanded in the foregoing license, solemnize the rite
and publish the banns of matrimony between the parties therein named.
Witness my hand this 15 day of April, A. D. 1902.

A. W. Ward,
A Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, Charles A. Davidson, Clerk of the United States Court in the
Northern District, Indian Territory, do hereby certify that the ins-
trument hereto attached was filed for record in my office the 2nd day
of May, 1902, at 8 A.M., and duly recorded in Book M, Marriage
Record, Page 395.
Witness my hand and seal of said court at Vinita, in said Territory
this 2 day of May, A. D. 1902.

Chas. A. Davidson, Clerk.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., April 7, 1903.

I, the undersigned, Chief Clerk Cherokee Land Office, and
custodian of the records of said office, do hereby certify that the
above and foregoing is a true and correct copy of the original now
on file in the said Cherokee Land Office.

Philip Ruster
Chief Clerk Cherokee Land Office.

Subscribed and sworn to before me this the 7 day of April, 1903.

John P. ...
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jacob Ross, et al., as Cherokee Freedmen, consolidating the applica-
tions of

Jacob Ross, et al.....	Cherokee Freedmen	D	539
George Ross, et al.....	"	"	D 540
Moses Ross, et al.....	"	"	D 541
Sarah Allen, et al.....	"	"	D 543
Rosanna Skaggs, et al....	"	"	D 545
Willie Ross, et al.....	"	"	D 838
Thomas Archer, et al.....	"	"	D 901
Eli Archer.....	"	"	D 1002
Celia Thompson, et al....	"	"	D 446
Josie Brown, et al.....	"	"	D 449
Benjamin Adair, et al....	"	"	D 451
Abbie Rowe, et al.....	"	"	D 452
Peter Adair.....	"	"	D 560
Frank Whitmire, et al....	"	"	D 966
Austin Whitmire, et al....	"	"	D 974
Nelson Whitmire.....	"	"	D 1090
Abbie Mayhew.....	"	"	D 447

-: D E C I S I O N :-

The record herein shows that applications were made to this Commission for enrollment as Cherokee Freedmen by Maria Ross, for herself, her husband, Jacob Ross, her daughter, Ella Ross, and her minor grandchild, Thomas Anderson; the said Thomas Anderson, being differently classified, is not embraced in this decision; by George Ross for himself, his wife, Rose Ross, and their minor children, Fred and Stella Ross; by Moses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Skaggs for herself and her husband, William Skaggs; the said William Skaggs claims only by intermarriage and his rights are not passed upon in this decision; by Willie Ross for himself, his wife, Rosa, and their minor children, Emma and Leo Etta Ross; by Thomas Archer for himself and his wife, Georgeann Archer; the said Georgeann Archer claims only by intermarriage and her rights are not passed upon in this decision; by Eli Archer for himself; by Celia Chambers (now Thompson) for herself, her minor children, Aleck, Goldy and Elsie May Adair and her minor grandchild, Lela Whitmire; by Josie Brown for herself, her husband, Robert Brown, and their minor children, Turner, Besaie, Gracie, Claudy and Celia Brown; the said Robert Brown claims only by intermarriage and his rights are not passed upon in this decision; by Benjamin Adair for himself, his wife, Lizzie Adair,

and their minor children, Isaac, Ollie, George, Cleveland and Aid Adair; by Abbie Rowe for herself and her minor children, Arthur, Minnie and Abbie Rowe; by Peter Adair for himself; by Frank Whitmire for himself and his minor children, Jesse, Ada, George and Bessie Whitmire and Ella Bryant (formerly Whitmire); by Austin Whitmire for himself and his minor children, Cora, Mineola, Josephine and Arthur Whitmire; by Nelson Whitmire for himself; and by Abbie Mayhew for herself.

Copies of the testimony, taken at Muskogee, Indian Territory, on April 15, 1902, in the case of Nelson Murrell et al., Cherokee Freedmen D-548; at Muskogee, Indian Territory, on May 16, 1902, in the case of Mary Harris et al., Cherokee Freedmen D-523; and at Vinita, Indian Territory, on October 3, 1901, in the case of David Martin et al., Cherokee Freedmen D-486, are filed herewith and made a part of the record in this case.

The evidence in this case shows that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers, Abbie Mayhew and Frank Whitmire were slaves of Cherokee citizens at the commencement of the rebellion and were taken out of said nation, and that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers (now Thompson) and Abbie Mayhew did not return to said nation within the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, trustee etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; that Frank Whitmire did return to the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1896, supra.

That Ella Ross, George Ross, Moses Ross, Willie Ross, Rosanna Skaggs, Sarah Allen, Fred Ross, Stella Ross, Emma Ross, Lee Etta Ross and Oscar Tucker are the children and grandchildren of Jacob and Maria Ross, born since 1866, and possess no rights to enrollment except as their descendants. That Louisa Burney was born subsequent to the date of the 1860 roll, and is the minor child of one James Burney, who is identified on the 1860 authenticated Cherokee roll. That Rose Ross, the wife of George Ross, was born since 1866 and claims the right to enrollment through her father, one Louis Gibson, whose application for enrollment as a Cherokee Freedman has been denied by this Commission. (see Cherokee Freedman D-774). That Eli Archer and Rosa Ross, wife of Willie Ross, were born since 1866 and are the descendants of, and claim the right to enrollment through, Thomas Archer and his wife, Delsie Archer, who returned to the Cherokee Nation with her husband after the rebellion. That Rachel Ross, wife of Moses Ross, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant, Austin Whitmire, Nelson Whitmire, Cora Whitmire, Mineola Whitmire, Josephine Whitmire, Arthur Whitmire, Lela Whitmire, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair and Aid Adair are the children and grandchildren of Frank Whitmire, born since 1866, and claim the right to enrollment through the said Frank Whitmire. That Aleck Adair, Goldy Adair, Elsie May Adair, Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claude Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe are the children and grandchildren of the said Celia Thompson, born since 1866, and claim the right to enrollment through the said Celia Thompson.

The evidence further shows that Jacob Ross, Maria Ross, Ella Ross, George Ross, Rose Ross, Fred Ross, Stella Ross, Moses Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Willie Ross, Rosa Ross, Lee Etta Ross, Eli Archer, Thomas Archer, Celia Thompson (formerly Chambers), Aleck Adair, Goldy Adair, Elsie May Adair,

Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudy Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe, and Abbie Mayhew are not identified upon the Cherokee tribal roll of 1880.

It further appears that Frank Whitmire has resided continuously in the Cherokee Nation since his return thereto, in 1866, with the exception of about one year when he had a temporary residence in the State of Missouri, and that the applicants Lela Whitmire, Rachel Ross, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair, Aid Adair, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant (formerly Whitmire), Austin Whitmire, Cora Whitmire, Mineola Whitmire, Josephine Whitmire, Arthur Whitmire, Nelson Whitmire and Louisa Burney have resided in the said nation since birth.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jacob Ross, Maria Ross, Ella Ross, George Ross, Rose Ross, Fred Ross, Stella Ross, Moses Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Willie Ross, Rosa Ross, Emma Ross, Lee Etta Ross, Eli Archer, Thomas Archer, Celie Thompson, (formerly Chambers), Aleck Adair, Goldy Adair, Elsie May Adair, Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudy Brown, Celia Brown, Abbe Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe, and Annie Mayhew, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495); and it is further the opinion of this Commission that Lela Whitmire, Rachel Ross, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair, Aid Adair, Frank Whitmire, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant (formerly Whitmire), Austin Whitmire, Cora Whitmire, Mineola Whitmire, Josephine Whitmire, Arthur Whitmire, Nelson Whitmire, and Louisa Burney should be enrolled as Cherokee Freedmen, in accordance with the provisions of said section twenty-one of the act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. P. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory

Dec 16 1904

IN RE
THE DEATH OF

Jesse Whitmire

a citizen of the

Cherokee

Nation.

Approved

190

[Handwritten Signature]
Commissioner

[Handwritten Initials]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Jesse Whitmire*
(Here insert name of deceased)
a citizen of the *Cherokee* Nation, who formerly resided at or near
Wimer, Ind. Ter., and died on the *11* day of
September, 1904.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT,
I, *Franke Whitmire*, on oath state that I am *58*
years of age and a citizen, by *adoption* of the *Cherokee* Nation;
that my postoffice address is *Wimer*, Ind. Ter.; that I am
The father of *Jesse Whitmire*
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen, by *adoption* of the *Cherokee* Nation;
and that said *Jesse Whitmire* died on the *11* day of
September, 1904. *Frank + Whitmire*
Muck

WITNESSES TO MARK:

(Must be Two Witnesses) *Clarence*
R. C. Brum

Subscribed and sworn to before me this *24th* day of *February*, 1905.
Samuel Johnson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.
I, _____, on oath state that I am _____
years of age, and a citizen by _____ of the _____ Nation;
that my postoffice address is _____, Ind. Ter.;
that I was personally acquainted with _____
(Here insert name of deceased)
who was a citizen, by _____ of the _____ Nation;
and that said _____ died on the _____ day of _____

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this _____ day of _____, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. SEPT. 25, 1907.

Cherokee Card No. 1534.
Cherokee Roll No. 4188.

In the matter of the application for the selection of an allotment in the Cherokee Nation for Ada Wickliff, enrolled as Ada Whitmire.

Witness being first duly sworn by Walter W. Chappell, Notary Public, and examined by C. F. Bliss on behalf of the Commissioner, testified as follows:

- Q What is your name? A Ada Wickliff.
Q How old are you? A 22.
Q What is your Postoffice address? A Wimer.
Q Are you a Cherokee freedman? A Yes sir.
Q What is your father's name? A Frank Whitmire.
Q Are you married? A Yes sir.
Q When were you married? A December 31.
Q What year? A 1905.
Q What is your husband's name? A John Wickliff.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q What was your name before you were married to him? A Ada Whitmire.
Q You are enrolled as Ada Whitmire are you? A Yes sir.

Witness excused.

I, Lola Mann, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct translation of my stenographic notes taken in said cause on said date.

Lola Mann

Subscribed and sworn to before me this 26th day of September 1907.

Walter W. Chappell
Notary Public.

Handwritten marks at the top of the page.

MAR ..

Handwritten text below the month stamp.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Frank H. H. H.,
Wiler, I. T.
Cherokee-D-256
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee F.D-433 ⁹⁵⁶

Muskogee, Indian Territory, April 8, 1903.

Mila Bryant,

Hudson, Indian Territory.

Dear Madam:

The marriage license and certificate forwarded to the Commission showing your marriage on April 31, 1902, to Sherman Bryant, is herewith returned to you, a copy of same having been made and filed with your application for enrollment as a Cherokee Freedman.

Respectfully,

Chairman.

Encl-S-1

GRS

CCPY.

Cherokee Freedmen
D-539, et al.

Muskogee, Indian Territory, December 16, 1904

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting the applications for the enrollment of Lizzie, Issa, Ollie, George, Cleveland and Aid Adair, Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Wincola, Josephine, Arthur and Nelson Whitmire, Ella Bryant (formerly Whitmire), Louisa Burney and Rachel Ross, as Cherokee Freedmen, and rejecting the applications for the enrollment of Jacob, Mariah, Ella, George, Rose, Fred, Stella, Moses, Willie, Rosa, Emma, and Lee Etta Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Eli and Thomas Archer, Celia Thompson (formerly Chambers), Aleck, Goldy, Elsie May, Benjamin and Peter Adair, Josie, Turner, Bessie, Gracie, Claudy and Celia Brown, Abbie, Arthur, Minnie and Abbie Rowe and Abbie Mayhew, as Cherokee Freedmen.

-2-

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. B-60

SIGNED: *Tamie Dixie*
Chairman

COPY.

Cherokee Freedman
D-539 et al.

Muskogee, Indian Territory, January 7, 1905.

Edgar Smith,

Attorney for Mariah Ross et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, dismissing the application for the enrollment of Jacob Ross, rejecting, among others, the applications for the enrollment of Mariah, Ella, George, Rose, Fred, Stella, and Moses Ross; Sarah Allen, Oscar Tucker, Rosanna Skaggs, Thomas Archer, Celia Thompson, Aleck, Goldy, Elsie May, Benjamin, and Peter Adair; Josie, Turner, Bessie, Gracie, Claudy, and Celia Brown; Abbie, Arthur, Minnie, and Abbie Rowe; and Abbie Mayhew, and granting, among others, the applications for the enrollment of Rachel Ross, Louisa Burney, Lala, Frank, Jesse, Ada, George, and Bessie Whitmire; Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair; and Ella Bryant, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the

COPY.

#2.

Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-66.

SIGNED:

Tame Bixby.
Chairman.

COPY.

Cherokee Freedman
D-539 et al.

Muskogee, Indian Territory, January 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the consolidated case of Jacob Ross et al., including the Commission's decision dated December 16, 1904, dismissing the application for the enrollment of Jacob Ross, rejecting the applications for the enrollment of Mariah, Ella, George, Rosa, Fred, Stella, Wozze, Willie, Rosa, Emma, and Lee Atta Ross; Sarah Allen, Oscar Tucker, Rosanna Skaggs, Thomas and Eli Archer; Celia Thompson, Alack, Goldy, Elsie May, Benjamin, and Peter Adair; Josie, Turner, Bessie, Gracie, Claudy, and Celia Brown; Abbie, Arthur, Winnie, and Abbie Rowe; and Abbie Wayhaw, and granting the applications for the enrollment of Rachel Ross, Louisa Burney, Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Mineola, Josephine, Arthur, and Nelson Whitmire; Ella Bryant, and Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair, as Cherokee Freedmen.

Respectfully,

Tame Dixby.

Chairman.

Encl. 1-67.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-956.

Muskogee, Indian Territory, January 7, 1905.

Frank Whitmire,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting, among others, the application for the enrollment of yourself, and your children, Jesse, Ada, George, and Bessie Whitmire, and Ella Bryant, as Cherokee Freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Dixby.
Chairman.

Encl. L-59.

Register.

(COPY)

Land.
2223-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 1, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maria Ross for herself, her husband, Jacob Ross and her daughter, Ella Ross; by George Ross for himself, his wife, Rose Ross and their minor children, Fred and Stella Ross; by Moses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Skaggs for herself; by Willie Ross for himself, his wife, Rosa and their minor children, Emma and Lee Etta Ross; by Thomas Archer for himself; by Eli Archer for himself; by Celia Chambers (now Thompson) for herself, her minor children, Aleck, Goldy, and Elsie May Adair, and her minor grandchild, Lela Whitmire; by Josie Brown for herself and her minor children, Gracie, Claudy and Celia Brown; by Benjamin Adair for himself, his wife, Lizzie Adair, and their minor children, Isaac, Ollie, George, Cleveland and Aid Adair; by Abbie Rowe for herself and her minor children, Arthur, Minnie and Abbie Rowe; by Peter Adair for himself; by Frank Whitmire for himself and his minor

children, Jesse, Ada, George and Bessie Whitmire and Ella Bryant (formerly Whitmire); by Austin Whitmire for himself and his minor children, Cora, Mineola, Josephine and Arthur Whitmire; by Nelson Whitmire for himself, and by Abbie Mayhew for herself.

December 16, 1904, the Commission decided favorably to Rachel Ross, Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair; Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Mineola, Josephine, Arthur and Nelson Whitmire; Ella Whitmire Bryant and Louisa Burney and adversely to all the other applicants.

The record shows that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers, Abbie Mayhew and Frank Whitmire were slaves of Cherokee citizens at the beginning of the war of the rebellion and were taken out of the Cherokee Nation, and that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers (now Thompson) and Abbie Mayhew did not return to the Nation on or before February 11, 1867, but that Frank Whitmire did return prior to said date.

It is also shown that Ella, George, Moses, Willie, Fred, Stella, Emma and Lee Etta Ross and Rosanna Skaggs, Sarah Allen and Oscar Tucker are the children and grand children of Jacob and Maria Ross born since 1866, and possess no rights to enrollment except as their descendants; that Louisa Burney was born subsequent to the date of the 1880 roll, and is the minor child of one James Burney, who is identified on the 1880 authenticated Cherokee roll; that Rose Ross, the wife of George Ross was born since 1866 and claims right to enrollment through her father, one Louis Gibson, whose application

has been denied and the adverse decision affirmed by the Department November 19, 1903 (I.T.D.6188,8060-1903); that Eli Archer and Rosa Ross, wife of Willie Ross were born since 1866, and are the descendants of, and claim right to enrollment through Thomas Archer and his wife Delsie Archer, who returned to the Cherokee Nation with her husband subsequent to February 11, 1867; that Rachel Ross wife of Moses Ross, Jesse, Ada, George, Bessie, Austin, Nelson, Cora, Mineola, Josephine, Arthur and Lela Whitmire, Ella Bryant, Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair are the children and grandchildren of Frank Whitmire, born since 1866, and claim right to enrollment through him; that Aleck, Goldy, Elsie May, Benjamin and Peter Adair, Josie, Turner, Bessie, Gracie, Claudy and Celia Brown, and Abbie, Arthur, Minnie and Abbie Rowe are the children and grand children of Celia Thompson, born since 1866, and claim right to enrollment through her.

It does not appear that any of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.(V)

D.C.48532.

CRW

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.3396,8393,8445,
8479,8497,8583,
8585,8589,8649,
8787,8791,8793,
8795-1905.

November 2, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes;

Muskogee, Indian Territory.

Sir:

January 7, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for the enrollment of Jacob Ross et al. as Cherokee freedmen, including its decision of December 16, 1904, rejecting the applications of Jacob, Mariah, Ella, George, Rose, Fred, Stella, Moses, Willie, Rosa, Emma, and Lee Etta Ross; Sarah Allen; Oscar Tucker; Rosanna Skaggs; Thomas and Eli Archer; Celia Thompson; Aleck, Goldy, Elsie May, Benjamin, and Peter Adair; Josie, Turner, Bessie, Gracie, Claudy, and Celia Brown; Abbie, Arthur, Minnie, and Abbie Rowe; and Abbie Mayhew; and granting the applications of Rachel Ross; Louisa Burney; Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Mineola, Josephine, Arthur, and Nelson Whitmire; Ella Bryant, and Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair.

Reporting April 1, 1905 (Land 2223), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, motions for review were filed in the matter of the applications of Moses Ross, Abbie Rowe et al., Celia Thompson et al., Rose Skaggs, Ella Ross et al., George Ross et al., Jacob Ross et al., Abbie Mayhew, Benjamin Adair, Sarah Allen et al., Eli Archer et al., and Thoms Archer.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will notify local attorneys of departmental action.

The papers in the case, including said motions for review, have been sent to the Indian Office for its files.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 14 to Ind. Of.

Cherokee Freedmen

D-956.

Muskogee, Indian Territory, November 13, 1906.

Frank Whitmire,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting, among others, your application for the enrollment of yourself and children as Cherokee freedmen, was affirmed by the Secretary of the Interior November 2, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

D-539, et al.

Muskogee, Indian Territory, November 21, 1900.

Wm. S. Miller,

Attorney for Jacob Ross, et al.,

Wester Springs, Mo. S. S.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes of December 1, 1900, regarding the application of Jacob Ross, et al., and granting the application of Jacob Ross, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 2, 1900, and the same for review of said cases, filed by you on October 7, 1900, denied.

For your information, there is inclosed herewith a copy of Departmental decision on said cases.

Respectfully,

Incl. -4
LS

Commissioner.

Cherokee Freedmen

D-539, et al.

Muskogee, Indian Territory, November 13, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated January 12, 1904, respecting the applications of Jacob Ross, et al., and granting the applications of Rachel Ross, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior November 1, 1906, and the same is now for review of said case, filed October 7, 1906, dated.

For your information, there is inclosed with a copy of Departmental decision referred to.

Respectfully,

Incl. 8-1
18

Commissioner.

Cher Fr 1535

Trans. from Cher Fr D974

Cher Fr 1535

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1st, 1901.

In the matter of the application of Austin Whitnire for the enrollment of himself and four children as Cherokee Freedmen; said Whitnire being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Austin Whitnire.
Q How old are you? A 27.
Q What is your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself, wife and four children.
Q What is your wife's name? A Josephine.
Q How old is she? A 26.
Q Give me the name of your children? A Cora.
Q Well, how old is Cora? A Three years old.
Q The next one? A Year old.
Q What is its name? A Mineola.
Q How old is Mineola? A Years old.
Q The next one? A Josephine.
Q How old is Josephine? A Five years.
Q The next one? A Arthur.
Q How old is Arthur? A Six years old.
Q Your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q Which rolls? A I don't know; it is on the roll with my father, it is on the Wallace roll.
Q What is your father's name? A Frank Whitnire.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Martha.
Q Is she living? A Yes, sir.

The 1880 Authenticated Roll and 1890 Census Roll of Freedmen of the Cherokee Nation examined and name of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 152, #3786, Austin Whitnire, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 149, #3113, Oscar Whitnire, Cooweescoowee District.

The names of applicant's children not found on any of the rolls of the Cherokee Nation.

- Who is the mother of these four children for whom you apply?
A My wife.
Q Josephine? A Yes, sir.
Q Is she a citizen? A Yes, sir.
Q Do you apply to have her enrolled? A Yes, sir.
Q What is her father's name? A I don't know.
Q What is her mother's name? A Master Carter.
Q Is Master Carter a citizen? A Yes, sir.
Q Has she been enrolled? A I don't know whether she has or not.
Q Have you got witnesses? A Yes, sir.
Q Who do you want witnesses, for yourself or your wife?
A My wife.
Q Your mother has been enrolled has she? A Yes, sir.
Q Do you claim through your mother or father?
A My father.
Q Where were you born? A Born on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.

- Q Never lived out ~~it~~ of it? A No, sir.
Q Are these children all living at this time? A Yes, sir.
Q Were they all born in the Cherokee Nation?
A Yes, sir.
Q Your witnesses are not here, you had better apply for yourself now and apply for your wife when your witnesses come? A All right.
Q Have you got anybody here to prove your marriage between yourself and your wife? A I don't know.
Q Who married you to Josephine? A Reuben Sanders.
Q Is he living? A Yes, sir.
BY MR. J. S. DAVENPORT, Cherokee Representative:
Q You have lived in the Cherokee Nation ever since you can remember? A Yes sir.

COM'R REMARKS: Austin Whitmire applies for the enrollment of himself and four children, to-wit: Cora, Mineola, Josephine and Arthur. His name cannot be identified upon the authenticated roll of 1880 or census roll of 1896; he is identified upon the Kern-Clifton roll and Wallace roll. He avers that he is the child of Frank and Martin Whitmire. He claims citizenship through his father, who was listed for enrollment as a Cherokee Freedman upon doubtful card #956, and the testimony taken in said case will be made part of the record in the testimony at bar and a copy thereof filed herewith. He avers that he was married to one Josephine Carter, a citizen; and that as a result of said marriage ~~he~~ he has four children for whom he applies. He makes satisfactory proof as to residence, consequently Austin Whitmire and his four children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. It will be necessary for him to file satisfactory proof of birth of said children, their name not appear upon any of the rolls. It will also be necessary for him to file satisfactory proof of marriage between himself and his wife, he averring that the preacher is now living.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 17th day of July, 1901.



Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1901


ACTING SECRETARY

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *11/11/31*
Post Office *Monte...*
District *...*

1. Name *William W. Thomas* Age *26*
Owner's name _____ Citizenship _____
Year *46* Page *52* No. *3756* District *...*

Parents:
Father *Frank W. Thomas* Citizenship _____
Mother *Mary* Citizenship _____

2. Name of wife ~~*...*~~ Age *24*
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother *Easter* _____ Citizenship _____

Names of Children:

- | | | | | | |
|-----|------------------|------|------|-----|-------|
| 23. | <i>...</i> | Year | Page | No. | Dist. |
| 34. | <i>...</i> | Year | Page | No. | Dist. |
| 5. | <i>Josephine</i> | Year | Page | No. | Dist. |
| 6. | <i>...</i> | Year | Page | No. | Dist. |
| 7. | | Year | Page | No. | Dist. |
| 8. | | Year | Page | No. | Dist. |
| 9. | | Year | Page | No. | Dist. |
| 10. | | Year | Page | No. | Dist. |
| 11. | | Year | Page | No. | Dist. |
| 12. | | Year | Page | No. | Dist. |

5/1/31

Application made by *W. W. Thomas* Stenographer *...*

In presence of ...
...

11/11/31

To be filed with case of Austin Whitmire, C.F.D.#974.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA I.T., JUNE 29, 1901.

In the matter of the application of Frank Whitmire for the enrollment of himself and five children.

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
W. W. Hastings and J. S. Davenport, Cherokee Attorneys

FRANK WHITMIRE, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Frank Whitmire.
Q What is your age? A About 56 I guess.
Q What is your post office? A Wimer.
Q What district do you live in? A Going Snake.
Q You apply to be enrolled as a Cherokee freedman A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and ten children.
Q Give me the names of your children? A I can't recollect them (hands Commissioner paper.)
Q Four of these children are over 21; they will have to apply for themselves. A Yes, sir.
Q I find Jesse under 21; is that one of your children? A Yes, sir.
Q 14 years of age? A Yes, sir.
Q Ada another one? A Yes, sir.
Q How old is Ada; got her down as 16, is that right? A Yes, sir.
Q She is older than Jesse A Yes, sir.
Q The next one Ella? A Yes, sir.
Q How old is Ella? A 22 I believe; 20.
Q You have got her down here as 15? A Well that is the age.
Q his is right, is it? A Yes, sir.
Q Got another one named George. A Yes, sir.
Q He 12? A 10 years old.
Q Well, how old is Bessie? A Bessie is 10; George is 12.
Q Bessie is 10? A Yes, sir.
Q That makes five; now Rachel is 29, is that right? A 29.
Q How old then is Lizzie? A Rachel is 29 and Lizzie 28
Q Austin 27, and Anna 26 and Nelson 21? A Yes, sir.
Q You apply for yourself then and five children? A Yes, sir.
Q These children all alive, these younger children? A Yes, sir.
Q Living with you at this time? A Yes, sir.
Q All unmarried; Jesse isn't married? A No, sir.
Q Ada? A No, sir.
Q They are all living with you? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.
Q Who are your witnesses A Dave French and Mose Riley and Crap Lynch.
Q MR. SMITH: How old are you, Mr. Whitmire? A About 56 I
huess.
Q Were you born a slave? A Yes, sir.
Q Who did you belong to? A Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where did he live before the war? A In Going Snake.
Q Where did he live at the time the war commenced? A Lived in
Going Snake
Q In the Cherokee Nation? A Yes, sir.
Q Where were you living? A Lived right there with him.
Q Were you taken out of the Nation or go out during the war?
A Went out during the war.
Q Where did you go to? A Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.

- Q Where did you return to the Cherokee Nation, come back?
A In '66.
- Q Where did you come to? A To Gibson.
- Q Fort Gibson? A Yes, sir.
- Q In the Cherokee Nation? A Yes, sir.
- Q How long did you stay about Fort Gibson? A Just about a week.
- Q Where did you go from Fort Gibson? A Went to Grand river.
- Q What part of Grand river did you go. A Up to Bob Daniels' place on Grand river.
- Q Cherokee Nation? A Yes, sir.
- Q How long did you stay there? A About a couple of weeks.
- Q Where did you go from there? A Went to Big Creek.
- Q How long did you stay there? A About six months.
- Q Big Creek in the Cherokee Nation? A Yes, sir, lived with my mother.
- Q Then where did you go? A Then I went back to Springfield, Mo.
- Q Were you married or single? A I was married.
- Q Where was your family? A Down in Springfield, just my wife.
- Q You didn't bring your wife? A No, sir.
- Q When did you bring your wife back to the Cherokee Nation?
A I went there and stayed a year and then went back.
- Q Stayed in Springfield? A Yes, sir, in Springfield.
- Q Then where did you go to? A Came to Big Creek.
- Q Then how long did you live at Big Creek? A Been living at Big Creek about 29 or 30 years.
- Q Do you know exactly how many years you have been living there?
A Not exactly, about that.
- Q Where were your children born? A Born on Brush Creek some of them and some on Big Creek.
- Q Were any of your children born outside the Nation? A No, sir, all born in the Nation.
- Q Where are these children for whom you apply with you living; with you, the younger ones? A Yes, sir.
- Q Is Rachel Whitmire your children? A Yes, sir.
- Q Is her name still Whitmire or she married? A She is Ross.
- Q What is her husband's name? A Most Ross.
- Q Where does she live? A She lives on Cedar Creek.
- Q Is that in the Cherokee Nation? A Yes, sir.
- Q How long has she lived there? A About three or four years I believe she has been married.
- Q Been living there ever since she has been married? A Yes, ever since she has been married.
- Q Has she any children? A No, sir.
- Q Well, what is Lizzie's name now? A Adair.
- Q What is her husband's name? A Ben Adair.
- Q She married Ben Adair. A Yes, sir.
- Q Has she any children? A Five children I think it is five.
- Q Where does she live? A Lives up on the head of a little Creek they call white Oak.
- Q That in the Cherokee Nation? A Yes, sir.
- Q Now how long has she lived there? A About ten or 12 years to my best knowing.
- Q Where does Anna live? A She lived on the prairie there about four miles from where I live, west.
- Q In the Cherokee Nation? A Yes, sir.
- Q She married? A Yes, sir.
- Q Who is she married to? A George Ward.
- Q Any children? A No, sir, she hasn't got any children.
- Q Where does Austin Whitmire live? A He lived in Vinita.
- Q How long has he lived there? A He has been living there about two or three years.
- Q Where did he live before he went to Vinita? A He lived down in Sequoyah district.
- Q How long did he live in Sequoyah district? A I don't know, about two or three years.

- Q How long since Austin made your place his home; is he married or single? A He is married.
- Q When did he marry? A He has been married about ten years I guess.
- MR. DAVENPORT: Where did you go during the war?
- A Went to Fort Scott.
- Q How long did you stay at Fort Scott? A Well, I didn't stay to Fort Scott very long.
- Q Where did you go from there? A I came back to the Cherokee Nation.
- Q What part of the Cherokee Nation? A Why down to the Cherokee Nation, down to Springfield, Missouri.
- Q That isn't in the Cherokee Nation, is it? A No, sir.
- Q How long did you stay at Springfield, Mo. A Stayed around there till the war closed.
- Q Well, then after the war closed what did you do? A I went back to Fort Scott.
- Q How long did you stay at Fort Scott then? A When I went back, well I stayed there then about till the war ended, to Springfield, Missouri, I stayed there and drive teams.
- Q Then after the war ended at Springfield, Mo., and you quit driving teams, when you left there, where did you go?
- A When the war ended?
- Q Yes, when you left Springfield, Mo.? A I can't recollect.
- Q You don't know where you went then? Where were you married?
- A I was married in Springfield, Mo.
- Q In what year? A Well, a year before the war ended.
- Q What is your oldest child's name? A My oldest child, Rachel.
- Q What is your wife's name? A Martha.
- Q Is she living now? A Yes, sir.
- Q Well now after the war ended, you and your wife were living in Springfield, Mo., when the war ended? A Near Springfield, Mo.
- Q Well, what did you do after that, after the war closed?
- A Why after the war closed I came back to the Cherokee Nation.
- Q What point did you come to then after the close of the war?
- A Came to Gibson.
- Q Did you bring your wife there? A No, sir.
- Q Where did you leave her? A In Springfield, Mo.
- Q She was keeping house there, was she? A Yes, sir.
- Q Have you any children born at that time? A Had one, he was dead.
- Q What was his name? A Charley.
- Q Where did he die? A He died in the Cherokee Nation.
- Q What year? A I can't tell you how long ago, about 14 or 15 years as near as I can recollect.
- Q What did you do next then after you came back to Fort Gibson, as you claim? A After I came back to Fort Gibson I came to the Cherokee Nation.
- Q You were in the Cherokee Nation when you came to Fort Gibson?
- A Yes, sir.
- Q What did you do next? A I came to Grand river.
- Q Who did you see when you came to Grand river? A Why I seen these Bean boys.
- Q Anyone else? A And Lynches.
- Q Anyone else? A And -- oh I can't recollect.
- Q How did you come back to the Territory the first time you came?
- A Well I came back with some freight wagons.
- Q When did you bring your family to the Cherokee Nation? A Well I left my family there, I came here, and I was here a year or maybe six months and left my family up there, and I came here and located me a place.
- Q Where did you locate the place? A On Brushy Creek.
- Q What part of the Nation is that? A Eight near Big Creek, it is west of Big Creek.
- Q Near whose place is it now? A My brother's place.
- Q What is your brother's name? A Mart Whitmire.
- Q Do you know Albert Morris? A Yes, sir.

- Q Where was he living when you came back and located your place?
A When I first came myself I never seen Albert Morris.
- Q How far did you locate the place from where Albert Morris' place is up on Big Creek? A I guess about three or four miles.
- Q Did you have a place made there when you first saw Morris in that country? A No, sir.
- Q Were you living on that place when Morris first came? A I was living to my brother's place.
- Q How far is that from the Morris place? A About seven miles down the Creek.
- Q Do you know Watt Starr? A Yes, sir, I was raised with him.
- Q You know him before the war? A Yes, sir.
- Q When did you first see him when you came back to the Cherokee Nation? A Well, it has been about twenty years ago.
- Q You saw him about '78 or '9? A I don't know dates, if you get a date on me you have got me, I don't know the date.
- Q You know you saw him there a short while after you came back to the Territory, don't you? A Yes, I saw him, but Watt Starr he don't know where I live, he couldn't get to my place.
- Q I asked you if you saw Watt a short while after you came back to the Territory? A No, not a short while, I lived down the Creek then to my brother's house.
- Q How long after you came back to the Cherokee Nation before you saw Watt Starr, the man with whom you have been raised, about how many years? A I can't tell you exactly.
- Q Was it two or three? A No, I can't tell you exactly how long.
- Q Can't you give me your best judgment as to how many years you had been here before you saw Watt Starr? A No, sir, I had been here a long time.
- Q Well, the first time you saw him he came to your house to see about your coming back? A No, he never came to my house.
- Q He came to see you somewhere? A No, he never came to my house, no, sir.
- Q Didn't he come up where you were to see you? A No, sir.
- Q Have you ever seen him since you came back? A I saw him down to Chelsea.
- Q When was that? A When this Court was going on.
- Q Was that the first time you saw him since the war? A The first time I saw him?
- Q It was? A No, sir.
- Q You had seen him before that and had a conversation in which you told him you had just come back from Kansas? A No, sir, I never lived in Kansas.
- Q In which you told him you had just returned to the Cherokee Nation? A I told him I just came from below, I never lived in Kansas.
- Q When was it you told him that, when you were in Chelsea enrolling?
A No, I never spoke to him in Chelsea, I made a mistake; I never saw him after the war until down here at Chelsea.
- Q None of your other children but the one, Charlie, was born in Kansas? A That is all, Charlie was born in Springfield, Missouri.
- Q You lived right in the City, did you? A No, I lived out west of Springfield.
- Q About how far? A About a quarter of a mile.
- Q On whose place did you live? A I didn't live on anybody's place I just lived in town.
- Q I asked you if you lived in town and you said you didn't live in town. From whom did you rent your farm? A Well, I lived there just out on the reserve.
- Q You lived on the Government grounds then? A Yes, sir, lived out on the reserve at a little shanty I built out there for myself.
- Q Have you any brothers except the one you spoke of? A Yes, sir.
- Q What are their names? A Mose.
- Q Any other? A And Jesse.
- Q They are your brothers? A Yes, sir.
- Q They are living in the country? A Yes, sir.

MR. HASTINGS: Did you have any witnesses at all before the Kern-Clifton Court? A Yes, sir.

Q Who? A I went in, but they were not called.

MOSE RILEY, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name. A Mose Riley.

- Q How old are you? A 51.
- Q Where do you live? A Chelsea.
- Q How long have you lived there? A 21 or 22 years.
- Q Do you know this applicant, Frank Whitmire? A Yes, sir.
- Q Know where he lives? A Yes, sir.
- Q Where? A On Big Creek.
- Q How long has he lived there? A I don't know sir how long he has lived there, lived there a long time.
- Q How far is that from where you live? A About 18 or 20 miles from where one of my places is.
- Q Where did you first know Frank Whitmire? A I have knowed him ever since the war.
- Q When did you first see him in the Cherokee nation after the war? A Right after peace, after we came back here I saw him.
- Q How long after you came back here before you saw him? A I don't know, sir, how long, it wasn't very long though.
- Q Give us your best judgment as to how long it was? A It couldn't have been more than three or four months I reckon.
- Q Where did you see him? A Over in Saline district.
- Q Don't know how long he had been back when you saw him? A We came back in the fall and I saw him that same year, that same winter.
- Q I say you don't know how long he had been back when you saw him? A No, sir, I don't know that.
- Q Did you see him once or more than once at that time? A I only saw him once right then but I saw him after that.
- Q How long afterwards? A Next time I saw him it must have been three or four months afterwards up on what is called Lynch's Prairie, that was four or five miles from where I lived.
- Q How long afterwards? A It must have been three or four months I reckon, four or five months, something like that.
- Q How long after that, or when did he come up on Big Creek to live? A I don't know sir just exactly when he did come there.
- Q Do you know any of his children? A I know one or two of the, that is, by name.
- Q Do you know his wife? A Yes, sir, know her when I see her.
- Q Ever been to his house? A Yes, sir, I have been there a number of times.
- Q Do you they house? A Yes, sir.
- Q Live together as man and wife? A Yes, sir.
- Q How are they received in the neighborhood? A As man and wife.
- COMMISSIONER: When did you say you first saw this applicant? A Over in Saline.
- Q After the war; when was that? A I don't know just exactly what time it was.
- Q What year was that? A It must have been in the winter, it was along in the winter I think of, well the same year we came there.
- Q When did you come? A I came in '63.
- Q What time of the year did you come? A We came in the fall.
- Q And you saw this man this next winter? A Yes, sir, I saw him that winter.
- Q The fore part of the winter or last part of the winter? A It was close to about Christmas, I don't know how whether after or before Christmas, but it was along there somewhere.
- MR. HASTINGS: Who was with him? A He was by himself when I saw him.
- Q Come to your house? A No, I had no house but he came to my father's house.
- Q Where was he living? A I don't know sir where he was living,

- I know where his father was living.
- Q Where was your father living? A Old the old McKeir place.
- Q Made a crop there that year A Yes, he made a crop there, I helped him to.
- Q And there was nobody with this man? A Nobody with him when he came to my father's house.
- Q Was he in a wagon? A No, sir, horseback.
- Q How long did he stay there? A Just stayed there all night.
- Q Was his wife with him? A No, sir.
- Q Was he married at that time? A I don't know sir, whether he was or nor.
- Q Never heard him say anything about that? A No, sir.
- Q He was a stranger to you, never saw him before? A I saw his father.
- Q But him? A No, sir, I never saw him before.
- Q About how old was he at that time? A I don't know.
- Q Was he a man? A Looked like he was.
- Q Now are there any particular circumstances that you remember his being there that time? A Yes, sir, he was inquiring about uncle Mose Alberty.
- Q Was that the particular circumstance? A Yes, sir, and I knowed his daddy.
- Q We stayed all night at your house A Yes, sir.
- Q Was Mrs. Martin Thompson on that place at that time? A Yes, sir.
- Q You had never seen him before the war? A No, never saw him.
- Q How soon before you ever saw his wife? A I never saw his wife till '73.
- Q Where did you see him? A When I saw her I saw her at his house on Big Creek.
- Q How far is that from Albert Morris? A I don't know where Albert Morris lived there.
- Q Do you know where he lives now, where his farm is. A Yes, sir.
- Q How far is that from his farm up there? A Well, where Frank lives now I guess it is about two miles and a half or three miles south.
- Q Did this man have any children in '73 when you saw his wife? A Yes, sir.
- Q How many? A I don't know how many, I stayed all night at his house.
- Q But you don't remember these children's names? A Remember their names, I remember their names when I heard them called.
- Q You would have remembered it if it has been in '66? A I know that I would know it if I saw them in '66.
- Q But you don't remember seeing them in '73? A I never heard their names.
- Q About how old was the largest one? A I don't know, they are grown and married, most of them.
- Q At that time, in '73? A Some good size girls and some good size boys.
- Q About how old was the oldest one. A I don't know, they were big enough to take my horse and put it up at his house.
- Q At that time, in '73? A Yes, sir.
- Q Was the oldest a girl or boy. A I don't know which one was the oldest one.
- Q Was it a boy took your horse and put it up? A Looked like a boy, it had on pants.
- Q And you think that was in '73? A It was in '73.
- Q You are positive of that? A Somewheres along about that time.
- Q I want to know if you are positive? A I can't say for sure it was then, but it was along there sometime.
- Q Could it have been as late as '75 A Well, I think it was '73, how I know it was '73, I have got a child that was born in '73, and it was born the night before I stayed all night at Frank's.

- Q You know he was born in '73? A I know my child was born and I stayed all night next night at his house.
- Q You are more positive in '66 than you are in '73? A Oh yes, you know we knew something about '66, and I know something about now so far as that is concerned.
- Q Where was he living in '73, Frank? A Same place he is living now? A No, sir.
- Q How far from there? A Why I don't know whether it was on his place or his brother's place, I don't know which one of them it was, I don't know whose place it was, but where I stayed all night was on the side of the creek, and he don't live there now.
- Q What side? A On the east side of the Creek.
- Q What creek? A On the east side of Big Creek.
- Q You don't know whether it was his place or not? A I don't know, I never asked him.
- Q What sort of a house was he living on? A Log house.
- Q You don't know how far that is from where he is living now? A No, sir, I know where the place is if I could go to it.
- Q You don't know who is living on that place now? A No, sir.

ANDERSON LYNCH, being duly sworn by Commissioner Needles, testified as follows:

- BY SMITH: State your name. A Anderson Lynch.
- Q How old are you? A 64.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Recognized citizen? A Yes, sir.
- Q Do you know this applicant, Frank Whitmire? A Yes, sir.
- Q How long have you known him? A I knowed him just a while time the war was coming up.
- Q Did you know him before the war? A Yes, sir.
- Q Know whether he was a slave or not? A Yes, sir.
- Q Who did he belong to? A Johnson Whitmire.
- Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
- Q Citizen of the Cherokee Nation? A Yes, sir.
- Q Where did he live before the war? A Lived away down below Tahlequah, somewhere down in there.
- Q How far was that from where you lived? A Oh it must have been, I can't tell exactly how far it was, it was a good piece, it was two days travel I think down in there.
- Q Do you know where Frank Whitmire, this applicant, lives now? A No, sir, never was at his house.
- Q When did you first see Frank Whitmire in the Cherokee Nation after the war? A It was in '66 after Christmas, about January, I guess; he was up to Bob Daniels' place up there where my brother was living.
- Q How long after Christmas of '66 was it before you saw him? A A few weeks I guess.
- Q Along in January then? A Yes, sir.
- Q Where was it you saw him at that time? A That was up at Bob Daniels' place.
- Q In the Cherokee Nation? A Yes, sir.
- Q Where was the Bob Daniels place? A On Grand river up above where I was living.
- Q Did you see him once or more than once at that time? A I just saw him once up there at a gathering at his brother's.
- Q How long after that was it before you saw him again? A I never saw him until they had a gathering over there at Goose Neck, and met up there with him again.
- Q You say you have never seen him to his house? A No, sir, never been there.
- Q Well, at the time you saw him at the Bob Daniels place, what was he doing at the Bob Daniels place? A He just had come there I suppose to see his brother, or something.
- Q Do you know of your own knowledge? A No, sir, I don't know what his business was, I just saw him there I thought.

- MR. DAVENPORT: He was just fooling around there, Crap, was he?
- Q Yes, he was just there, I don't know how long he stayed there.
- Q Had his wife with him? A No, sir, he didn't, I never saw any woman.
- Q Have any children? A Not as I know of.
- Q You don't know when that was, do you? A It was along in January, just after Christmas.
- Q Of what year? A Just after '66.
- Q Don't you whether it was January '67 or January '68? A No, it was just about two weeks after Christmas, must have been some here along about there.
- Q You didn't know this fellow before the war, did you?
- A Yes, sir, I knew him before the war.
- Q And you lived two days travel from him? A Well the way I come to find out was following the regiment traveling, going backwards and forwards.
- Q Well the regiment, was it going that way before the war?
- A Well Waite's was.
- Q Before the war broke out? A No, sir, the war had commenced.
- Q Don't you know this fellow left the country when the war commenced and didn't come back till after the war was over? A He was down at the Whitmires.
- Q Which one of the Whitmires was he with? A Johnson Whitmire.
- Q Where was they living? A We camped right close there to the Whitmires in the creek.
- Q What creek? A It must have been a river or something, it wasn't far from there.
- Q Did it have any name? A I don't know of any name for it, I heard of so many little creeks down there.
- Q In fact you don't know much about it anyway, do you?
- A I just only knew him.
- Q How large was he when you saw him there at that time?
- A A good big sized fellow, big enough to drive a team.
- Q Was he grown? A Wasn't quite grown.
- Q Was he grown after the war when you saw him? A He was mighty near it, he was a good size boy.
- Q And wasn't quite grown after the war? A He was about grown I reckon.
- Q You know you saw him? A I saw him, of course he was a good sized fellow then, not a child.
- Q You don't know where he went during the war? A No, sir.
- Q Don't know where he married? A No, sir.
- Q Don't know anything about his family? A No, I never seen them.
- Q Don't know where his family was when you claim to have seen him down there just after Christmas after the war closed? A No, sir, don't know where they were.
- Q Did he come to your house, or whose house? A No sir, was there at his brother's, his brother was on the Bob Daniels house.
- Q What was his brother's name? A Mose Whitmire.
- Q Know anything about what family Mose lived nearby? A Nearby George Landrum's family.
- Q And this man, after you say him there, it was several years before you saw him again? A No, sir.
- Q You don't know where he had been living in the meantime?
- A No, sir, don't know where he had been living.
- Q And you just happened to remember he came along there to his brothers and you saw him? A After I come to think of it, I was here and he was here.
- MR. HASTINGS: What year did the Kern-Clifton Commission make a roll? A I don't know.
- Q What year did Wallace make a roll? A Never kept count of it.
- Q You don't know anything about dates? A No, sir.
- Q Don't know one year from another when it comes to keeping dates?
- A No, sir.

MR. SMITH: You know when you came back here after the war?
A Oh yes, sir.

FRANK WHITMIRE, recalled, testified as follows:

MR. HASTINGS: Where did you first see Dave French? A At Fort Gibson.
Q After the war? A Yes, sir.
Q What time of the year? A About just before Christmas, a little while before Christmas.
Q Did you spend your Christmas in Fort Gibson? A Yes, sir.
Q Was Dave living there at that time? A Yes, sir.
Q Was he living in a house was you at his house? A I wasn't at his house, I don't know whether he had or not.
Q Did you see his wife down there? A No, sir.
Q Did you see the members of his family? A No, sir.
Q Did you ever see Dave French before? A I used to see him before, I was raised right by him.
Q Before the war? A Yes, sir.

DAVE FRENCH, being duly sworn by Commissioner Neeltes, testified as follows:

MR. SMITH: State your name. A Dave French.
Q How old are you? A 72 years old.
Q Do you know this a licant, Frank Whitmire? A Yes, sir.
Q How long have you known him? A Well, knowed him all the time, a long tije.
Q Know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
Q Did he live in the Cherokee Nation? A Yes, sir.
Q Where did he live when the war commenced? A He was living down on the Creek, they called it Pea Vine I believe, in below where we lived about seven or eight miles.
Q There was this man Frank Whitmire at this time? A He was there.
Q When did you first see Frank Whitmire in the Cherokee Nation after the war? A I saw him Christmas in '66 in Fort Gibson.
Q Know how long he was up there at the time? A No, sir, he might have lived here in Gibson, I can't tell you.
Q Mr. French, do you know whether he was married at that time or not? A No, sir, I don't.
Q When did yo? next see him after you saw him in Fort Gibson? A I don't know exactly how long, I guess I next saw him away p on the river, on Big Creek, I don't know whih.
Q Do you know where he lives now? A Yes, sir, on the Big Creek.
Q Have you ever been to his house? A I believe I have, bu not very much.
Q You know how long ago it has been since you first as: him on Big Creek? A No, sir, I don't.
Q Was it a long tie or a short tie? A Well, it has been a good while, every one in a while I saw him, maybe I saw him that year and maybe the next year and maybe the year after that.
MR. DAVENPORT: You know him before the war? A Yes, sir, I knew him all the time.
Q And when he came to Fort Gibson you recognized him at once?
A Yes, sir.
Q He have his wife with him there? A He never had his wife, I never saw anybody with him.
Q You were living at Gibson at the time? A I wa living at Gibson, I was going backwards and forwards hauling people from Kansas, I had stayed there to Gibson though all the time till peace.
Q Did you have your wife with you? A I did not.
Q Where was she at that tie? A I don't exactly recollect.
Q Was she in the Territory or Kansas? A I don't recollect.

- Q Don't know where your wife was living? A No, sir, I don't recollect now.
- Q You were married? A Yes, sir.
- Q She had some children? A Yes, sir.
- Q You don't know where she was living when you saw him in Christmas in '66? A I don't recollect where I had them at that time.
- Q They were in Kansas? A Might have been in Kansas at that time.
- Q You don't know where the family was? A No, sir, I don't know as he had a family, I never asked him.

FRANK WHITMIRE, recalled, testified as follows:

- COMMISSIONER: You were married in Kansas A No, sir.
- Q In Missouri? A Yes, sir.
- Q When did you first bring your family to the Cherokee Nation? A I can't recollect when I did bring them it has been so long I can't recollect, I came here and settled --
- Q You came back and married then? A Yes, sir, went back and married.
- Q You were not married the first time, you went back and married and stayed there several years.
- Q Some of your children were born in Missouri? A No, sir, all born in the Nation.
- Q All of these oldest children born in the Nation? A Yes, sir, on y Charlie.
- Q You must have lived up there five or six years before you married? A No, I married my wife before the war ended, and then I went back after Charlie was born.
- Q Married your wife in Missouri before it ended? A Yes, sir.
- Q Got any proof of your marriage? A No, sir, not here.
- Q Married in Missouri, was you? A Yes, sir, Springfield, Missouri.
- Q Got a license before you married, did you? A No, sir, I just married, a man married me.
- Q That wife you married there living here yet A Yes, sir.
- Q She is the mother of these children? A Yes, sir, mother of all of them.

The 1880 authenticated roll of Cherokee freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Frank Whitmire on page 151, No. 3729, Cooweescoowee district;
Jesse Whitmire on page 151, No. 3733, Cooweescoowee district;
Ada Whitmire not on said roll.
Ella Whitmire on page 151, No. 3731, Cooweescoowee district;
George Whitmire on page 151, No. 3735, Cooweescoowee Dist.
Bessie Whitmire on page 151, No. 3734, Cooweescoowee Dist.

- Q You never drew for Ada? A No, sir.
- Q Why? A Just didn't; she was knocked off the roll.

The Wallace roll examined and the applicant, Ella Whitmire, identified thereon, page 149, No. 3116, Cooweescoowee district as Ellen Whitmire.

COMMISSIONER: Frank Whitmire applies for the enrollment of himself and five children, to-wit: Jesse, Ada, Ella, George and Bessie. His name cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kern-Clifton and the Wallace roll. The names of his children, except Ada, are identified upon the Clifton roll, Ella being also identified upon the Wallace roll. Applicant avers that he was a slave of Johnson Whitmire and went out of the Cherokee Nation during the war, and

--11--

returned to the Cherokee Nation in the year 1866, and married in the state of Missouri and returned to the state of Missouri and married and brought his family to the Cherokee Nation some years later. A He makes satisfactory proof as to his residence. Now Frank Whitmire and his five children enumerated herein will be listed for enrollment as Cherokee freedmen upon a doubtful card. He will be notified by mail of the action of the Commission in the premises. It will be necessary for him to file satisfactory proof of the birth of Ada, who cannot be identified upon any of the rolls of the Cherokee Nation.

--- -0-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 12th of July, 1901.

(Signed) T. B. Needles,

Commissioner.

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J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original in the above case.

J. O. Rosson

Sworn to and subscribed before me this the 6th of September, 1901.

C. R. Beckwith

Commissioner.

Dr. ...

Q. That was in 1965, was it? ... I couldn't say.

Q. ... within the last 7 or 8 years? ... Yessir.

Q. ... I know it was not then, it was in '67 or '77.

Q. You don't know anything about ... '76?

A. ... he was in ... me from ...

Q. ... in 1965 ... In Guinea ...

Q. ... In Guinea ...

Q. ... in 1965 ...

Q. ... I don't know ...

Q. ... I know, but ...

Q. ... of the ... the war ...

Q. ... A few ...

Q. ... '65, I think, in '65.

Q. ... until ... in '77 or '78 ... I don't ...

Copyrighted by ... 1974.

... to the Commission to the Five Civilized Tribes ...

Nick ...

Subscribed ... October 5, 1964.

[Signature]

Commissioner.

"P"

File with C. F. D- 974, Austin Whitmire, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of Frank Whitmire et al., for enrollment
as Cherokee Freedmen.

Appearances:

Mr. Smith, of Mellette & Smith, attorneys for applicants,
post-office, Vinita, I. T.

W.W. Hastings, of attorneys for the Cherokee Nation.

SAI COLEMAN, being sworn and examined testified
as follows:

BY W. W. HASTINGS:

Q What is your name? A Sam Coleman.

Q How old are you? A 46.

Q What is your post-office address? A Parkville, Missouri.

Q How long have you lived in the neighborhood of Parkville, Mis-
souri? A I have lived there in the neighborhood of Parkville Mis-
souri, I have lived there about thirty years.

Q You know a colored man up there by the name of Frank Whitmire?
A Yes sir, used to know him.

Q Did you know his wife? A Yes sir.

Q What was her name? A She went by the name of Jane Whitmire up
there.

Q Did you know her before he married her? A No sir.

Q Did this Frank have any children? A Yes sir.

Q You remember any of their names? A I remember two of them
their names, Charley was one of them and one Oscar, and he had a
girl I can't tell her name.

Q When did you first learn to know Frank Whitmire and his family?

A Along about '73.

Q How long did you know them there? A I know of them until
along about '80, '81.

Q 7 or 8 years? A Yes sir.

Q Were they living up there? A Yes sir.

Q In a house? A Yes, in a half mile or where I was raised at.

Q Was it in town or in the country? A In the country on a farm,
he farmed there.

Q Where were you living? A I was farming, working for a man on
a farm.

Q Was Frank younger or older than you? A Frank were older than I
am.

Q About how much? A I suppose Frank must have been 10 or 15 years
older than I am.

Q You know . . .

What finally because of him, where he
went to? A Well he sold on his property, his real and tolls he
had working with on the farm and he was coming to the Chero-
kee Nation, and I hauled his family to the depot for him.

Q You remember what year that was? A That was in the year of '80
I think.

Q And you had known him from about '72 or '73? A Yes sir.

Q During that time they lived there as your neighbors? A Yes sir.

Q You see him frequently during that time? A Pretty near every
day, I was with him, I worked for a man that raised me there, worked
for him.

BY MR. SMITH:

Q What did you say your name was? A Sam Coleman.

Q You say this man that you are talking about is 15 years older
than you are? A I said I supposed he was 10 or 15 years older, I
don't know exactly his age.

Q How old are you? A 46.

Q You don't know anything at all of the whereabouts of Frank Whitmire or any of his family, before '72 or '73 when you first got acquainted with them? A No sir.

Q You don't know where they were then? A No sir.

Q Where were you living in '72 or '73? A I was living up near Farley, in Platt County, Missouri.

Q How long has it been since you saw this man Frank Whitmire?

A It was '81 as well as I can remember that he left there.

Q You haven't seen him since? A No sir.

Q You don't know whether the man that is applying here is the man that you are talking about do you? A I don't know it, but I think it is.

Q I don't want to know anything about what you think? A Well of course I don't know it.

BY MR. HASTINGS:

Q How far is Parkville, Missouri from Springfield? A Springfield, Missouri, I don't know exactly how far it is.

Q How far was it from where you first knew this man in '73, how far was it from where you moved to where you knew this man in '73 that is the way I want to get it; you come down in the neighborhood of where he lived? A He come in the neighborhood of where I lived; I knew him before he moved to our neighborhood where I lived.

GEORGE DAVIS, being first duly sworn, and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A George Davis is my name.

Q How old are you? A Going on 58.

Q Where do you live? A Parkville, Platt County, Missouri.

Q How long have you lived there? A I have been over in Platt County ever since '72.

Q Do you know a colored man up there named Frank Whitmire? A Yes sir.

Q You know his wife? A No sir.

Q You know any of his family? A No I only know him up by passing right by his house; I never was at his house but worked around that neighborhood.

Q How old was he with reference to your age, was he older than you?

A I should judge him to be a man about my age.

Q You know that he had a wife? A Yes sir.

Q Did he have some children? A I think from what I could see passing by as much as three or four.

Q But you don't know their names? A No sir.

Q What was Frank doing up there? A He was living on a place, I don't know exactly whether he was farming or just working around

Q How long did you continue to know him? A About a year, '72 up until about '76.

Q How did you fix it to have been '72? A '72

Q How did you fix that, how did you fix the date that you begun to know him? A I came over there in that year. Hired to a man that lived over there, close to him.

Q You know what finally became of him? A No sir.

Q You know whether he claimed to be a Cherokee slave or not? A

That's what I always understood; people that was acquainted with him.

Q How long did you say you continued to know him? A From '72 up until about '76.

Q Lived there with his family during that time? A Yes sir.

Q You know Sam Coleman up there? A Yes sir.

Q How far did he live from Sam Coleman? A Sam Coleman, I think he lived about maybe a mile or maybe not so far, half a mile maybe.

BY MR. SMITH:

Q Where did you go from when you went to this place and hired out? A I went from Leavenworth City, old Platt County.

Q You don't know whether this man that you are talking about had any family or not do you? A Don't know whether he had any family or not?

Q No; do you? A Oh know I saw him there at his house.

Q You said awhile ago you didn't know his wife at all? A No, I was not acquainted with his wife; I couldn't swear that she was his wife, but she seemed to be living there with him.

Q How many times did you ever passed there? A I could not state the exact number of times, but a good many times; I passed there as often as three or four times during the week, ~~was~~ visiting a family that lived close to him.

Q And when did you leave the neighborhood? A When did I leave that neighborhood?

Q Yes. A I left there about '76 and went down about to where I live now.

Q Where you live now? A Yes sir.

Q How far is that? A About nine miles and a half below there.

Q Did you ever see this man after '76? A No sir, not after I left from up in that neighborhood.

Q How many years was it after the war, or was it before the war that you knew this man? A Before the war.

Q Did you know him before the war or after the war? A No sir, I didn't know him before the war.

Q Well, how many years after the war? A I got acquainted with him in '72.

Q Well about how many years was that after the war, do you know? A No, I don't know exactly.

Q Can you state how long you knew him, how many months or whether you knew him a year or more or less? A About a year.

Q You knew him how long? A About six years.

Q You are certain it was '72? A Yes sir, from '72 until '76, and then I lost trace of him.

Q From '72 until '76, you think that's six years? A I should think it ought to be six years, ain't it?

Q You don't know anything about the man who has applied here, you don't know whether it is the same man you are talking about or not, do you, you don't know whether the Frank Whitire you are talking about is the Frank Whitire who has been in that petition before this Commission? A No sir, I could not swear it.

BY COMMISSIONER: This will be filed in Cherokee Freedmen
D-974, D1090, and this case at bar.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 24, 1903.

[Signature]

Commissioner.

IN RE

Application for Enrollment of
INFANT CHILD

Arthur Whitwire

as a citizen of

Cherokee Nation.

Approved Apr 7 1901 190

T. E. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMUNICATIONS SECTION,
WASHINGTON, D. C.
FILED APR 7 1901

TA'S BIXBY
ACTING CHIEF CLERK.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Arthur Whitmire, born on the 28th day of October, 1894
Name of Father: Austin Whitmire a citizen of the Cherokee Nation.
Name of Mother: Josie Whitmire a citizen of the Cherokee Nation.
Postoffice Vinita I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Josie Whitmire, on oath state that I am 26
years of age and a citizen, by blood, of the Cherokee Nation;
that I am the lawful wife of Austin Whitmire, who is a citizen, by
blood, of the Cherokee Nation; that a Male child was
born to me on 28th day of October, 1894; that said child has been named
Arthur Whitmire, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) E. H. Veally

Josie Whitmire

Subscribed and sworn to before me this 31 day of July, 1901

Walter M. Martin
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Austin Whitmire, a Father of the child, on oath state that I
attended on Mrs. Josie Whitmire, wife of Austin Whitmire
on the 28th day of October, 1894, that there was born to her on said date a Male
child; that said child is now living and is said to have been named Arthur Whitmire. That there
was no one else present except the midwife Jane White, who is now dead
Austin Whitmire

WITNESSES TO MARK

(Must be Two Witnesses) E. H. Veally

Subscribed and sworn to before me this 31 day of July, 1901

Walter M. Martin
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

Josephine Whitmire

as a citizen of

Cherokee

Nation.

Approved Aug 7 1901 190

T. J. Needles

Commissioner.

RECORDED IN THE OFFICE OF THE
COMMISSIONER OF THE CHEROKEE NATION
AT WASHINGTON, D. C.
AUG 7 1901
T. J. NEEDLES
COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Josephine Whitmire, born on the 19th day of February, 1901
Name of Father: Austin Whitmire a citizen of the Cherokee Nation.
Name of Mother: Josie Whitmire a citizen of the Cherokee Nation.
Postoffice Vinita I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Josie Whitmire, on oath state that I am 30 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Austin Whitmire, who is a citizen, by blood, of the Cherokee Nation; that a Female child was born to me on 19th day of February, 1901; that said child has been named Josephine Whitmire, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses) { E. J. Neville,

Subscribed and sworn to before me this 31 day of July, 1901.

Walter H. Martin, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Austin Whitmire, Father of the child, on oath state that I attended on Mrs. Josie Whitmire, wife of Austin, on the 19th day of February, 1901, that there was born to her on said date a Female child, that said child is now living and is said to have been named Josephine Whitmire that there was no other child present except the said wife, who is now dead.

WITNESSES TO MARK

(Must be Two Witnesses) { E. J. Neville,

Subscribed and sworn to before me this 31 day of July, 1901.

Walter H. Martin, Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

..... Corn Whitmire

as a citizen of

Cherokee

. Nation.

Approved

Aug 7 1901 190

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED AUG 7 1901

TAMM BERRY

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Cora Whitmire, born on the 29th day of March, 1898

Name of Father: Austin Whitmire, a citizen of the Cherokee Nation.

Name of Mother: Josie Whitmire, a citizen of the Cherokee Nation.

Postoffice Vinita I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Josie Whitmire, on oath state that I am 26 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Austin Whitmire, who is a citizen, by blood, of the Cherokee Nation; that a Female child was born to me on 29th day of March, 1898; that said child has been named Cora Whitmire, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) } E. H. Neully

Subscribed and sworn to before me this 31 day of July, 1901

(Notary) Walter H. Martin, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Austin Whitmire, a father of child, on oath state that I attended on Mrs. Josie Whitmire, wife of Austin Whitmire, on the 29th day of March, 1898; that there was born to her on said date a Female child, that said child is now living and is said to have been named Cora Whitmire. That there was no one else present except the midwife who is now dead Austin Whitmire

WITNESSES TO MARK

(Must be Two Witnesses.) } E. H. Neully

Subscribed and sworn to before me this 31 day of July, 1901

Walter H. Martin, Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

Minnie C. Whitwire
as a citizen of

Cherokee Nation.

Approved Aug 7 1901 190

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED Aug 7 1901

Tans Bixby
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Minnie C. Whitmire, born on the 24th day of December, 1891
Name of Father: Austin Whitmire a citizen of the Cherokee Nation.
Name of Mother: Josie Whitmire a citizen of the Cherokee Nation.
Postoffice Vinita I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Josie Whitmire, on oath state that I am 36 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Austin Whitmire, who is a citizen, by blood, of the Cherokee Nation; that a female child was born to me on 24th day of December, 1891; that said child has been named Minnie C. Whitmire, and is now living.

WITNESSES TO MARK: Josie Whitmire
(Must be Two Witnesses.) E. J. Newilly

Subscribed and sworn to before me this 31 day of July, 1901
Walter W. Martin, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Austin Whitmire, father of the child, a citizen of the Cherokee Nation, on oath state that I attended on Mrs. Josie Whitmire, wife of Austin Whitmire, on the 24th day of December, 1891; that there was born to her on said date a female child; that said child is now living and is said to have been named Minnie C. Whitmire. that there was no one else present except the midwife, Jere White, who is now Austin Whitmire.

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this 31 day of July, 1901
Walter W. Martin, Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jacob Ross, et al., as Cherokee Freedmen, consolidating the applica-
tions of

Jacob Ross, et al.....	Cherokee Freedmen	D	539
George Ross, et al.....	"	"	D 540
Moses Ross, et al.....	"	"	D 541
Sarah Allen, et al.....	"	"	D 543
Rosanna Skaggs, et al....	"	"	D 545
Willie Ross, et al.....	"	"	D 858
Thomas Archer, et al.....	"	"	D 901
Eli Archer.....	"	"	D 1002
Celia Thompson, et al....	"	"	D 446
Josie Brown, et al.....	"	"	D 449
Benjamin Adair, et al....	"	"	D 451
Abbie Rowe, et al.....	"	"	D 452
Peter Adair.....	"	"	D 560
Frank Whitmire, et al....	"	"	D 956
Austin Whitmire, et al...	"	"	D 974
Nelson Whitmire.....	"	"	D 1090
Abbie Mayhew.....	"	"	D 447

-: D E C I S I O N :-

The record herein shows that applications were made to this Commission for enrollment as Cherokee Freedmen by Maria Ross, for herself, her husband, Jacob Ross, her daughter, Ella Ross, and her minor grandchild, Thomas Anderson; the said Thomas Anderson, being differently classified, is not embraced in this decision; by George Ross for himself, his wife, Rose Ross, and their minor children, Fred and Stella Ross; by Moses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Skaggs for herself and her husband, William Skaggs; the said William Skaggs claims only by intermarriage and his rights are not passed upon in this decision; by Willie Ross for himself, his wife, Rosa, and their minor children, Emma and Lee Etta Ross; by Thomas Archer for himself and his wife, Georgeann Archer; the said Georgeann Archer claims only by intermarriage and her rights are not passed upon in this decision; by Eli Archer for himself; by Celia Chambers (now Thompson) for herself, her minor children, Aleck, Goldy and Elsie May Adair and her minor grandchild, Lela Whitmire; by Josie Brown for herself, her husband, Robert Brown, and their minor children, Turner, Bessie, Gracie, Claudy and Celia Brown; the said Robert Brown claims only by intermarriage and his rights are not passed upon in this decision; by Benjamin Adair for himself, his wife, Lizzie Adair,

and their minor children, Isaac, Ollie, George, Cleveland and Aid Adair; by Abbie Rowe for herself and her minor children, Arthur, Minnie and Abbie Rowe; by Peter Adair for himself; by Frank Whitmire for himself and his minor children, Jesse, Ada, George and Bessie Whitmire and Ella Bryant (formerly Whitmire); by Austin Whitmire for himself and his minor children, Cora, Pineola, Josephine and Arthur Whitmire; by Nelson Whitmire for himself; and by Abbie Mayhew for herself.

Copies of the testimony, taken at Muskogee, Indian Territory, on April 15, 1902, in the case of Nelson Murrell et al., Cherokee Freedmen D-548; at Muskogee, Indian Territory, on May 16, 1902, in the case of Mary Farris et al., Cherokee Freedmen D-528; and at Vinita, Indian Territory, on October 3, 1901, in the case of David Martin et al., Cherokee Freedmen D-486, are filed herewith and made a part of the record in this case.

The evidence in this case shows that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers, Abbie Mayhew and Frank Whitmire were slaves of Cherokee citizens at the commencement of the rebellion and were taken out of said nation, and that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers (now Thompson) and Abbie Mayhew did not return to said nation within the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, trustee etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; that Frank Whitmire did return to the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1896, supra.

That Ella Ross, George Ross, Moses Ross, Willie Ross, Rosanna Skaggs, Sarah Allen, Fred Ross, Stella Ross, Emma Ross, Lee Etta Ross and Oscar Tucker are the children and grandchildren of Jacob and Maria Ross, born since 1866, and possess no rights to enrollment except as their descendants. That Louisa Burney was born subsequent to the date of the 1860 roll, and is the minor child of one James Burney, who is identified on the 1880 authenticated Cherokee roll. That Rose Ross, the wife of George Ross, was born since 1866 and claims the right to enrollment through her father, one Louis Gibson, whose application for enrollment as a Cherokee Freedman has been denied by this Commission. (see Cherokee Freedman D-774). That Eli Archer and Rosa Ross, wife of Willie Ross, were born since 1866 and are the descendants of, and claim the right to enrollment through, Thomas Archer and his wife, Delsie Archer, who returned to the Cherokee Nation with her husband after the rebellion. That Rachel Ross, wife of Moses Ross, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant, Austin Whitmire, Nelson Whitmire, Cora Whitmire, Pineola Whitmire, Josephine Whitmire, Arthur Whitmire, Lela Whitmire, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair and Aid Adair are the children and grandchildren of Frank Whitmire, born since 1866, and claim the right to enrollment through the said Frank Whitmire. That Aleck Adair, Goldy Adair, Elsie May Adair, Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claude Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe are the children and grandchildren of the said Celia Thompson, born since 1866, and claim the right to enrollment through the said Celia Thompson.

The evidence further shows that Jacob Ross, Maria Ross, Ella Ross, George Ross, Rose Ross, Fred Ross, Stella Ross, Moses Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Willie Ross, Rosa Ross, Lee Etta Ross, Eli Archer, Thomas Archer, Celia Thompson (formerly Chambers), Aleck Adair, Goldy Adair, Elsie May Adair,

Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudy Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe, and Abbie Mayhew are not identified upon the Cherokee tribal roll of 1880.

It further appears that Frank Whitmire has resided continuously in the Cherokee Nation since his return thereto, in 1866, with the exception of about one year when he had a temporary residence in the State of Missouri, and that the applicants Lela Whitmire, Rachel Ross, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair, Aid Adair, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant (formerly Whitmire), Austin Whitmire, Cora Whitmire, Mineola Whitmire, Josephine Whitmire, Arthur Whitmire, Nelson Whitmire and Louisa Burney have resided in the said nation since birth.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jacob Ross, Maria Ross, Ella Ross, George Ross, Rose Ross, Fred Ross, Stella Ross, Moses Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Willie Ross, Rosa Ross, Emma Ross, Lee Ella Ross, Eli Archer, Thomas Archer, Celia Thompson, (formerly Chambers), Aleck Adair, Goldy Adair, Elsie May Adair, Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudy Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe, and Annie Mayhew, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495); and it is further the opinion of this Commission that Lela Whitmire, Rachel Ross, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair, Aid Adair, Frank Whitmire, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant (formerly Whitmire), Austin Whitmire, Cora Whitmire, Mineola Whitmire, Josephine Whitmire, Arthur Whitmire, Nelson Whitmire, and Louisa Burney should be enrolled as Cherokee Freedmen, in accordance with the provisions of said section twenty-one of the act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) _____
T. M. Rixby
Chairman.

(Signed) _____
T. P. Needles
Commissioner.

(Signed) _____
J. R. Breckinridge
Commissioner.

Cherokee, Indian Territory

Dec 16 1904

6, 1835

IN KI
THE DEATH OF

William Pittman

A CITIZEN OF THE

Province Nation

Approved

190

Commissioner

MISC

FILED

JUN 26 1835

6

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Arthur Whitman*
a citizen of the *Cherokee* Nation, who formerly resided at or near
Liberty Ind. Ter., and died on the *5* day of
February 1909
(Here insert name of post office)

AFFIDAVIT OF RELATIVE

I, *Josie Whitman*, on oath state that I am *36*
years of age and a citizen, by *Cherokee* Nation;
that my postoffice address is *Waynes* Ind. Ter.; that I am
mother of *Arthur Whitman*
state relationship as the father, an uncle, a cousin, etc. of the *Cherokee*
who was a citizen, by *Cherokee* Nation
and that said *Arthur Whitman* died on the *15* day of
February 1909
WITNESSES TO MARK: *Josie Whitman*

(Must Be Two Witnesses)

Subscribed and sworn to before me this *31* day of *July* 1909
J. Morrison
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

I, *Josie Whitman*, on oath state that I am *36*
years of age and a citizen by *Cherokee* Nation;
that my postoffice address is *Waynes* Ind. Ter.;
that I was personally acquainted with *Arthur Whitman*
who was a citizen, by *Cherokee* Nation;
and that said *Arthur Whitman* died on the *15* day of
February 1909
WITNESSES TO MARK: *Josie Whitman*

(Must Be Two Witnesses)

Subscribed and sworn to before me this *31* day of *July* 1909
J. Morrison
Notary Public.

IN RE
THE DEATH OF

Josephine Whitmore

A CITIZEN OF THE

Republic Nation

Approved

190

Commissioner

DEPARTMENT OF ...
Commissioner of the ...

FILED

F. S. Wright

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Josephine W. Whitman*
Here insert name of deceased

a citizen of the *Cherokee* Nation, who formerly resided at or near
Watauga Ind. Ter., and died on the *0* day of
(Here insert name of post office)

February 1909

AFFIDAVIT OF RELATIVE

I, *Cassie W. Whitman*, on oath state that I am *36*
years of age and a citizen, *Cherokee* of the *Cherokee* Nation;

that my postoffice address is *Watauga* Ind. Ter.; that I am
(Here insert name of postoffice)

mother of *Josephine W. Whitman*
State relationship as the father, mother, cousin, etc. Here insert name of deceased

who was a citizen, *Cherokee* of the *Cherokee* Nation

and that *Josephine W. Whitman* died on the *0* day of
Here insert name of deceased. *February* 1909
Cassie Whitman

sworn to before me this *21* day of *February* 1909
J. H. Cannon
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

I, *William W. Whitman*, on oath state that I am *36*
years of age, and a citizen, *Cherokee* of the *Cherokee* Nation;

that my postoffice address is *Watauga* Ind. Ter.;

that I was personally acquainted with *Josephine W. Whitman*
Here insert name of deceased

who was a citizen, *Cherokee* of the *Cherokee* Nation;

and that *Josephine W. Whitman* died on the *0* day of
Here insert name of deceased. *February* 1909
William W. Whitman

sworn to before me this *21* day of *February* 1909
J. H. Cannon
Notary Public.

WIP

1917

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Austin Whitnire,

Vieta, I. T.

Cherokee - Freedmen

...

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen #D974.

DPR

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

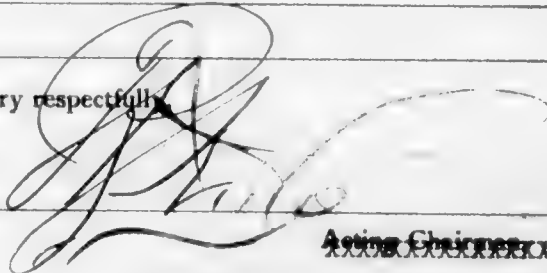
Muskogee, Indian Territory, August 9th, 1901.

To Austin Whitmire, Colored,

Vinita, Indian Territory.

Receipt is hereby acknowledged of birth certificate in the matter of the application for enrollment of Core Whitmire, daughter of Austin Whitmire and Josie Whitmire as a citizen of the Cherokee Nation, and the same has been duly filed.

Very respectfully,



Acting Chairman

Commissioner in Charge.

1012

Cherokee Freedmen #D974.

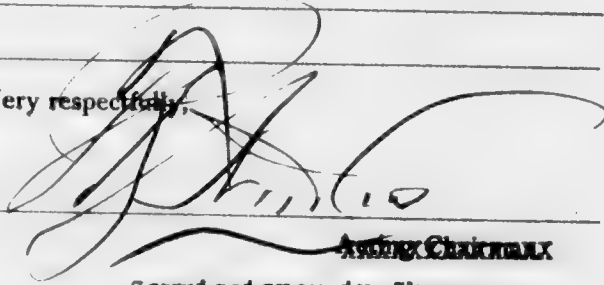
DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 9th, 1901, 1To Austin Whitmire, Colored,Vinita, Indian Territory.

Receipt is hereby acknowledged of birth certificate in the matter of the application for enrollment of Arthur Whitmire, son of Austin Whitmire and Josie Whitmire as a citizen of the Cherokee Nation, and the same has been duly filed.

Very respectfully,



Andrew Chickens
Commissioner in Charge.

J.P.V.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

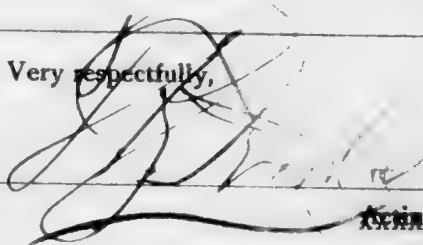
Muskogee, Indian Territory, August 9th, 1901.

To Austin Whitmire, Colored,

Vinita, Indian Territory.

Receipt is hereby acknowledged of birth certificate in the matter of the application for enrollment of Josephine Whitmire, daughter of Austin Whitmire and Josie Whitmire as a citizen of the Cherokee Nation, and the same has been duly filed.

Very respectfully,



Acting Chairman

Commissioner in Charge.

Cherokee Freedmen #D974.

70

SPR

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

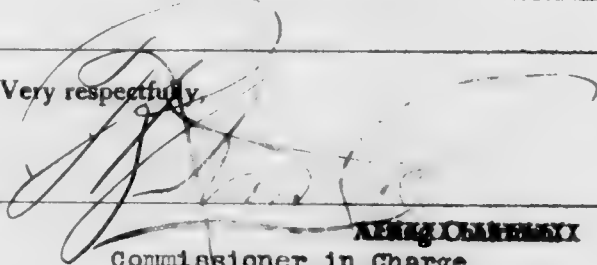
Muskogee, Indian Territory, August 9th, 1901.

To Austin Whitmire, Colored,

Vinita, Indian Territory.

Receipt is hereby acknowledged of birth certificate in the matter of the application for enrollment of Minnie O. Whitmire, daughter of Austin Whitmire and Josie Whitmire as a citizen of the Cherokee Nation, and the same has been duly filed.

Very respectfully,


A. J. CHANDLER
Commissioner in Charge.

Cherokee Freedmen
D-539, et al.

Muskogee, Indian Territory, December 16, 1904

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting the applications for the enrollment of Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair, Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Mineola, Josephine, Arthur and Nelson Whitmire, Ella Bryant (formerly Whitmire), Louisa Burney and Rachel Ross, as Cherokee Freedmen, and rejecting the applications for the enrollment of Jacob, Mariah, Ella, George, Rose, Fred, Stella, Moses, Willie, Moca, Emma, and Lee Etta Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Eli and Thomas Archer, Celia Thompson (formerly Chambers), Alec, Goldy, Essie May, Benjamin, and Peter Adair, Josie, Turner, Bessie, Gracie, Claudy and Celia Brown, Abbie, Arthur, Minnie and Abbie Rowe and Abbie Pughew, as Cherokee Freedmen.

-2-

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. B-60

(SIGNED) *Tamc Dixby.*
Chairman

Cherokee Freedman
D-974.

Muskogee, Indian Territory, January 7, 1905.

Austin Whitmire,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting, among others, the application for the enrollment of yourself and your minor children, Cora, Mineola, Josephine, and Arthur Whitmire, as Cherokee Freedmen. There has heretofore been furnished your attorney, J. Garfield Ruell, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-60.

Register.

Chairman.

Cherokee Freedman
D-974.

Muskogee, Indian Territory, January 7, 1905.

J. Garfield Buell,

Attorney for Austin Whitmire et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting, among others, the application for the enrollment of Austin Whitmire and his minor children, Cora, Mineola, Josephine, and Arthur Whitmire, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectively,

Encl. L-61.

W. H. Fisher
Chairman.

BY

Charles Freedman
et al.

Cherokee, Indian Territory, January 7, 1904.

Dear Sir,

The Secretary of the Interior.

Sir:

There is herewith transmitted report of proceedings had in the consolidated case of Jacob Ross et al., including the Commission's decision dated December 15, 1904, dismissing the application for the enrollment of Jacob Ross, rejecting the applications for the enrollment of Mariah, Ella, George, Ross, Fred, Stella, Oscar, Willie, Roza, Emma, and Ella Atta Ross; Sarah Allen, Oscar Tucker, Rosanna Shaggs, Thomas and Eli Archer; Gelia Thompson, Aleck, Eldy, Elsie May, Benjamin, and Peter Adair; Josie, Turner, Bebbie, Gracie, Claudy, and Gelia Brown; Abbie, Arthur, Minnie, and Abbie Rowe; and Abbie Waghaw, and granting the applications for the enrollment of Rachel-Ross, Louisa Burney, Lola, Frank, Jesse, Ada, George, Bebbie, Austin, Cora, Minnie, Josephine, Arthur, and Nelson Whitacre; Ella Bryant, and Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair, as Cherokee Freedmen.

Respectfully,

James C. ...

Chairman.

Encl. 1-67.

Through the
Commissioner of Indian Affairs.

LAND:
2223-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

April 1, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maria Ross for herself, her husband, Jacob Ross and her daughter, Ella Ross; by George Ross for himself, his wife, Rose Ross and their minor children, Fred and Stella Ross; by Moses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Skaggs for herself; by Willie Ross for himself, his wife, Rosa and their minor children, Emma and Lee Etta Ross; by Thomas Archer for himself; by Eli Archer for himself; by Celia Chambers (now Thompson) for herself, her minor children, Aleck, Goldy, and Elsie May Adair, and her minor grandchild, Lela Whitnire; by Josie Brown for herself and her minor children, Gracie, Claudy and Celia Brown; by Benjamin Adair for himself, his wife, Fizzie Adair, and their minor children, Isaac, Ollie, George, Cleveland and Aid Adair; by Abbie Rowe for herself and her minor children, Arthur, Minnie and Abbie Rowe; by Peter Adair for

himself; by Frank Whitmire for himself and his minor children, Jesse, Ada, George and Bessie Whitmire and Ella Bryant (formerly Whitmire); by Austin Whitmire for himself and his minor children Cora, Lincoln, Josephine and Arthur Whitmire; by Nelson Whitmire for himself, and by Abbie Payne for herself.

December 16, 1904, the Commission decided favorably to enroll Perry, Pierre, Isaac, Willie, George, Cleveland and Aid Adams, John, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Lincoln, Josephine, Arthur and Nelson Whitmire; Ella Whitmire Bryant and Louisa Burney and Adversel to all the other applicants.

The record shows that Jacob Ross, Maria Ross, Thomas Archer, Selia Chambers, Abbie Payne and Frank Whitmire were slaves of Cherokee citizens at the beginning of the war of the rebellion and were taken out of the Cherokee Nation, and that Jacob Ross, Maria Ross, Thomas Archer, Selia Chambers (now Chapman) and Abbie Payne did not return to the Nation on or before February 11, 1867, but that Frank Whitmire did return prior to said date.

It is also shown that Ella, George, Moses, Willie, Fred, Stella, and Joe Pitts Ross and Rosanna Skagen, Sarah Allen and Oscar Tucker are the children and grand children of Jacob and Maria Ross born since 1860, and possess no rights to enrollment except in their descendants; that Louisa Burney was born subsequent to the date of the enrollment, and is the minor child of one James Burney, who is identified on the 1860 authenticated Cherokee

that Rose Ross, the wife of George Ross was born since 1860 and claims right to enrollment through her father, one Louis Wilson, whose application has been denied and the adverse decision of the Department, November 11, 1903 (I.P.R. 10, 0660-1903) that Eli Archer and Rose Ross, wife of Willie Ross were born since 1860, and are the descendants of, and claim right enrollment through Thomas Archer, and his wife Felsie Archer, who returned to the Cherokee Nation with her husband subsequent to February 1, 1868; that Rachel Ross, wife of James Ross, James, Al, William, Isaac, Susan, John, Sara, Lincoln, George, Lina, Arthur, Charles, William, Elizabeth, Lillian, Isaac, Corlie, Maria, and James are all Archer and the children and grand children of Frank Williams, born since 1860, and claim right to enrollment through her; that Black, George, Felsie, Mary, Benjamin and Peter Archer, Corlie, Susan, John, Annie, George and Willie Brown, and Corlie, Arthur, Annie and Abbie Ross are the children and grand children of John Thompson, born since 1860, and claim right to enrollment through her.

It does not appear that any of the applicants is identified on the 1868 authentic and Cherokee roll.

In view of the record the reversal of the Commissioner's decision is recommended.

Very respectfully,

G. W. Harrabee

Acting Commissioner.

J. W. L. (W)

(COPY)

CRW

DEPARTMENT OF THE INTERIOR, I-T-B

D.O. 4-532

WASHINGTON.

I.T.D. 3396, 3393, 3411,
472, 5497, 8583,
1565, 2589, 3649,
4737, 791, 8793,
7-5-1905.

November 2, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 1, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for the enrollment of Jacob Ross et al. as Cherokee freedmen, including its decision of December 16, 1904, rejecting the applications of Jacob, Mariah, Ella, George, Rose, Fred, Stella, Moses, Willie, Rosa, Emma, and Lee Etta Ross; Sarah Allen; Oscar Tucker; Rosanna Skaggs; Thomas and Eli Archer; Celia Thompson; Aleck, Goldy, Elsie May, Benjamin, and Peter Adair; Josie, Turner, Bessie, Gracie, Claudy, and Celia Brown; Abbie, Arthur, Minnie, and Abbie Rowe, and Abbie Aghew; and granting the applications of Rachel Ross; Louisa Burney; Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Annette, Josephine, Arthur, and Nelson Whitacre; Ella Bryant, and Fizzie, Isaac, Ollie, George, Cleveland, and Aid Adair.

Reporting April 1, 1905 (Land 2823), the Indian Office rec

ommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, motions for review were filed in the matter of the applications of Moses Ross, Abbie Rowe et al., Celia Thompson et al., Rose Scaggs, Ella Ross et al., George Ross et al., Jacob Ross et al., Abbie Maghew, Benjamin Adair, Sarah Allen et al., Eli Archer et al., and Thomas Archer.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will notify local attorneys of departmental action.

The papers in the case, including said motions for review, have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock

Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 14 to Ind. Of.

Cherokee Freedmen

D-974.

Muskogee, Indian Territory, November 13, 1906.

Austin Whitmire,
Mex, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting, among others, your application for the enrollment of yourself and children as Cherokee freedmen, was affirmed by the Secretary of the Interior November 2, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

T.S

Commissioner.

Cherokee Freedmen

D-974.

Muskogee, Indian Territory, November 13, 1906.

J. Garfield Buell,

Attorney for Austin Whitmire, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting, among others, the application for the enrollment of Austin Whitmire, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior November 2, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-3
LS

Commissioner.

Cherokee Freedmen

D-539, et al.

Muskogee, Indian Territory, November 13, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, rejecting the applications of Jacob Ross, et al., and granting the applications of Rachel Ross, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior November 2, 1906, and the motion for review of said cases, filed September 7, 1905, denied.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-1
LS

Commissioner.

Cher Fr 1536

Trans. from Cher Fr D1090

Cher Fr 1536

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 25th 1901.

In the matter of the application of Nelson Whitmore for the enrollment of himself as a Cherokee freedman; he being first duly sworn by Commissioner T. B. Needles as follows:

- Q What is your name? A Nelson Whitmore.
Q What is your age? A 33.
Q What is your post office address? A Wymor.
Q What district do you live in? A In the Territory.
Q Cherokee Nation? A Yes sir Indian Territory.
Q What part of the Cherokee Nation, what district do you live in?
A I dont know what district. ~~A Do not a~~
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to have anyone else enrolled besides yourself? A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q What is your father's name? A Frank Whitmore.
Q Is he living? A Yes sir.
Q What is your mother's name? A Martha.
Q Is she living? A Yes sir.
Q Where were you born? A Been here all my life.
Q Always lived in the Cherokee Nation? A Yes sir.
Q Not married? A No sir.
Q Have your father and mother been enrolled? A Yes sir.
Q Have you any brothers and sisters? A Yes sir.
Q What is your oldest brother's name? A Arthur.
Q How old is he? A I dont know.
Q What is the next ones name? A Jesse
Q The next ones name? A George.
Q Is he living? A Yes sir.
Q Next ones name? A Ada.
Q Next one? A Ellen.
Q Got one named Bessie? A Yes sir.
Q Did you draw strip money? A Yes sir.

The Kern Clifton roll examined and the name of the applicant found thereon as follows, page 151 No 3770, Nelson Whitmore, Cooweescoowee district.

Wallace roll examined and the applicant found thereon as follows page 149 No 3115, Nelson Whitmore, Cooweescoowee district.

BY COM'R NEEDLES: Nelson Whitmore applies for himself; he is not identified on the authenticated roll of 1880, but is identified on Kern Clifton and Wallace rolls according to the page and number as indicated in the testimony. He avers that he is the child of Frank Whitmore who is listed on Cherokee Freedman D. card #956 and he avers that he was born and raised in the Cherokee Nation and he lived in the Cherokee all his life and that he is unmarried. It appears that his citizenship depends upon the citizenship of his father Frank Whitmore, consequently the testimony taken in C. F. D. 956 will be made a part of the record in his case, and the said Nelson Whitmore will now be listed as a Cherokee freedman on a doubtful card.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 5th of November, 1901.

Chas. von Weise
Commissioner.

COMMISSIONER OF THE GENERAL LAND OFFICE
UNITED STATES DEPARTMENT OF THE INTERIOR

FILED
OCT 25 1901

[Handwritten signature]
A. M. QUINN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *Oct. 25, 1901.*
Post Office *Wynner, S.S.*
District

1. Name *Nelson Whitmire* Age *22*
Owner's name
Year *K.S. Page 151* No. *3732* District *Levo*

Parents:

Father *Frank Whitmire living* Citizenship *Colored*
Mother *Martha* " " " " " "

2. Name of wife
Owners name
Year Page No. District

Parents:

Father
Mother

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *No. 1.*

Stenographer *Charles von Weise*

No. 1. on Wall. Roll n 149 - 3115

2 Rec. 2950

File with C.F. D-1090, Nelson Whitmire.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 29, 1901.

In the matter of the application of Frank Whitmire for the enrollment of himself and five children.

Appearances:

Mellette & Smith, attorneys for applicants;
W.W.Hastings, and J.S.Davenport, Cherokee attorneys.

Frank Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Frank Whitmire.
Q What is your age? A About 56 I guess.
Q What is your post-office? A Wimler.
Q What district do you live in? A Going Snake.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and ten children.
Q Give me the names of your children? A I can't recollect them (hands Commissioner paper.)
Q Four of these children are over 21; they will have to apply for themselves. A Yes, sir.
Q Ifin Jesse under 21; is that one of your children? A Yes, sir.
Q 14 years of age? A Yes, sir.
Q Ada another one? A Yes, sir.
Q How old is Ada; got her down as 16, is that right? A Yes, sir.
Q She is older than Jesse? A Yes, sir.
Q The next one Ella? A Yes, sir.
Q How old is Ella? A 22 I believe; 20.
Q You have got her down here as 15? A Well that is the age.
Q This is right, is it? A Yes, sir.
Q Got another one named George? A Yes, sir.
Q He 12? A 10 Years old.
Q Well, how old is Bessie? A Bessie is 10; George is 12.
Q Bessie is 10? A Yes, sir.
Q That makes five; now Rachel, is 29, is that right? A 28.
Q How old then is Lizzie? A Rachel is 29 and Lizzie 28.
Q Austin 27, and Anna 26 and Nelson 21? A Yes, sir.
Q You apply ~~xxxxxx~~ for yourself then and five children? A Yes, sir.
Q These children all alive, these younger children? A Yes, sir.
Q Living with you at this time? A Yes, sir.
Q All unmarried; Jesse isn't married? A No, sir.
Q Ada? A No, sir.
Q They are all living with you? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.
Q Who are your witnesses? A Dave French and Mose Riley and Crap Lynch.
Mr. Smith: How old are you, Mr. Whitmire? A About 56 I guess.
Q Were you born a slave? A Yes, sir.
Q Who did you belong to? A Johnson Whitmire?
Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where did he live before the war? A In Going Snake.
Q Where did he live at the time the war commenced? A Lived in Going Snake.
Q In the Cherokee Nation? A Yes, sir.
Q Where were you living? A Lived right there with him.
Q Were you taken out of the Nation or go out during the war?
A Went out during the war.
Q Where did you go to? A Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Where did you return to the Cherokee Nation, come back?
A In '66.
Q Where did you come to? A To Gibson.

Frank Whitmire, 2.

- Q Fort Gibson? A Yes, sir.
- Q In the Cherokee Nation? A Yes, sir.
- Q How long did you stay about Fort Gibson? A Just about a week.
- Q Where did you go from Fort Gibson? A Went to Grand river.
- Q What part of Grand River did you go? A Up to Bob Daniels' place on Grand river.
- Q Cherokee Nation? A Yes, sir.
- Q How long did you stay there? A About a couple of weeks.
- Q Where did you go from there? A Went to Big Creek.
- Q How long did you stay there? A About six months.
- Q Big Creek in the Cherokee Nation? A Yes, sir, I lived with my mother.
- Q Then where did you go? A Then I went back to Springfield, Mo.
- Q Were you married or single? A I was married.
- Q Where was your family? A Down in Springfield, just my wife.
- Q You didn't bring your wife? A No, sir.
- Q When did you bring your wife back to the Cherokee Nation? A I went there and stayed a year and then went back.
- Q ~~Then~~ Stayed in Springfield? A Yes, sir, in Springfield.
- Q Then where did you go to? A Came to Big Creek.
- Q Then how long did you live at Big Creek? A Been living at Big Creek about 29 or 30 years.
- Q Do you know exactly how many years you have been living there? A Not exactly, about that.
- Q Where were your children born? A Born on Brush Creek some of them and some on Big Creek.
- Q Were any of your children born outside the Nation? A No, sir, all born in the Nation.
- Q Where are these children for whom you apply with you living; with you, the younger ones? A Yes, sir.
- Q Is Rachel Whitmire your child? A Yes, sir.
- Q Is her name still Whitmire or she married? A She is Ross.
- Q What is her husband's name? A Mose Ross.
- Q Where does she live? A She lives on Cedar Creek.
- Q Is that in the Cherokee Nation? A Yes, sir.
- Q How long has she lived there? A About three or four years I believe she has been married.
- Q Been living there ever since she has been married? A Yes, ever since she has been married.
- Q Has she any children? A No, sir.
- Q Well, what is Lizzie's name now? A Adair.
- Q What is her husband's name? A Ben Adair.
- Q She married to Ben Adair? A Yes, sir.
- Q Has she any children? A Five children I think it is five.
- Q Where does she live? A Lives up on the head of a little Creek they call White Oak.
- Q That in the Cherokee Nation? A Yes, sir.
- Q Now how long has she lived there? A About ten or 12 years to my best knowing.
- Q Where does Anna live? A She lived on the prairie there about four miles from where I live, west.
- Q In the Cherokee Nation? A Yes, sir.
- Q She married? A Yes, sir.
- Q Who is she married to? A George Ward.
- Q Any children? A No, sir, she hasn't got any children.
- Q Where does Austin Whitmire live? A He lived in Vinita.
- Q How long has he lived there? A He has been living there about two or three years.
- Q Where did he live before he went to Vinita? A He lived down in Sequoyah district.
- Q How long did he live in Sequoyah district? A I don't know, about two or three years.
- Q How long since Austin made your place his home; is he married or single? A He is married.
- Q When did he marry? A He has been married about ten years, I guess.
- Mr. Davenport: Where did you go during the war? A Went to Fort Scott.

Frank Whitmire 3.

- Q How long did you stay at Fort Scott? A Well, I didn't stay to Fort Scott very long.
- Q Where did you go from there? A I came back to the Cherokee Nation.
- Q What part of the Cherokee Nation? A Why down to the Cherokee Nation, down to Springfield, Missouri.
- Q That isn't in the Cherokee Nation, is it? A No, sir.
- Q How long did you stay at Springfield, Mo.? A Stayed around there till the war closed.
- Q Well then after the war closed what did you do? A I went back to Fort Scott.
- Q How long did you stay at Fort Scott then? A When I went back, well I stayed there then about till the war ended, to Springfield, Missouri, I stayed there and drove teams.
- Q Then after the war ended at Springfield, Mo., and you quit driving teams, when you left there, where did you go? A When the war ended?
- Q Yes, when you left Springfield, Mo.? A I can't remollect.
- Q You don't know where you went then? A Where were you married?
- A I was married in Springfield, Mo.
- Q In what year? A Well, a year before the war ended.
- Q What is your oldest child's name? A My oldest child, Rachel
- Q What is your wife's name? A Martha.
- Q Is she living now? A Yes, sir.
- Q Well now after the war ended, you and your wife were living in Springfield, Mo., when the war ended? A Near Springfield, Mo.
- Q Well, what did you go after that, after the war closed? A Why after the war closed I came back to the Cherokee Nation.
- Q What point did you come to then after the close of the war? A Came to Gibson.
- Q Did you bring your wife there? A No, sir.
- Q Where did you leave her? A In Springfield, Mo.
- Q She was keeping house there, was she? A Yes, sir.
- Q Had you any children born at that time? A Had one, he was dead.
- Q What was his name? A Charley.
- Q Where did he die? A He died in the Cherokee Nation.
- Q What year? A I can't tell you how long ago, about 14 or 15 years as near as I can recollect.
- Q What did you do next then after you came back to Fort Gibson, as you claim? A After I came back to Fort Gibson I came to the Cherokee Nation.
- Q You were in the Cherokee Nation when you came to Fort Gibson? A Yes sir.
- Q What did you do next? A I came to Grand river.
- Q Who did you see when you came to Grand river? A Why I seen these Bean boys.
- Q Anyone else? A And Lynchs.
- Q Anyone else? A And - - oh I can't recollect.
- Q How did you come back to the Territory the first time you came? A Well I came back with some freight wagons.
- Q When did you bring your family to the Cherokee Nation? A Well I left my family there, I came here, and I was here a year or maybe six months and left my family up there, and I came here and located me a place.
- Q Where did you locate the place? A On Brushy Creek.
- Q What part of the ~~Cherokee~~ Nation is that? A Right near Big Creek, it is west of Big Creek.
- Q Near whose place is it now? A My brother's place.
- Q What is your brother's name? A Mart Whitmire.
- Q Do you know Albert Morris? A Yes, sir.
- Q Where was he living when you came back and located your place? A When I first came myself I never seen Albert Morris.
- Q How far did you locate the place from where Albert Morris' place is up on Big Creek? A I guess about three or four miles.
- Q Did you have a place made there when you first saw Morris in that country? A No, sir.

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- Q Were you living on that place when Morris first came? A I was living to my brother's place.
- Q How far is that from the Morris place? A About seven miles down the Creek.
- Q Do you know Watt Starr? A Yes, sir, I was raised with him.
- Q You know him before the war? A Yes, sir.
- Q When did you first see him when you came back to the Cherokee Nation? A Well, it has been about twenty years ago.
- Q You saw him about '78 or '9? A I don't know dates, if you get a date on me you have got me, I don't know the date.
- Q You know you saw him there a short while after you came back to the Territory, don't you? A Yes, I saw him, but Watt Starr he don't know where I live, he couldn't go to my place.
- Q I asked you if you saw Watt a short while after you came back to the Territory? A No, not a short while, I lived down the Creek then to my brother's ~~place~~ house.
- Q How long after you came back to the Cherokee Nation before you saw Watt Starr, the man with whom you have been raised, about how many years? A I can't tell you exactly.
- Q Was it two or three? A No, I can't tell you exactly how long.
- Q Can't you give me your best judgment as to how many years you had been here before you saw Watt Starr? A No, sir, I had been here a long time.
- Q Well, the first time you saw him he came to your house to see about your coming back? A No, he never came to my house.
- Q He came to see you somewhere? A No, he never came to my house, no, sir.
- Q Didn't he come up where you were to see you? A No, sir.
- Q Have you ever seen him since you came back? A I saw him down to Chelsea.
- Q When was that? A When this Court was going on.
- Q Was that the first time you saw him since the war? A The first time I saw him?
- Q It was? A No, sir.
- Q You had seen him before that and had a conversation in which you told him you had just come back from Kansas? A No, sir, I never lived in Kansas.
- Q In which you told him you had just returned to the Cherokee Nation? A I told him I just came from below, I never lived in Kansas.
- Q When was it you told him that, when you were in Chelsea enrolling? A No, I never spoke to him in Chelsea, I made a mistake; I never saw him after the war until down here at Chelsea.
- Q None of your other children, but the one, Charlie, was born in Kansas? A That is all, Charlie was born in Springfield, Missouri.
- Q You lived right in the City, did you? A No, I lived out west of Springfield.
- Q About how far? A About a quarter of a mile.
- Q On whose place did you live? A I didn't live on anybody's place. I just lived in town.
- Q I asked you if you lived in town and you said you didn't live in town. From whom did you rent your farm? A Well, I lived there just out on the reserve.
- Q You lived on the Government grounds then? A Yes, sir, lived out on the reserve at a little shanty I built out there for myself.
- Q Have you any brothers except ~~the~~ the one you spoke of? A Yes, sir.
- Q What are their names? A Mose.
- Q Any other? A And Jesse.
- Q They are your brothers? A Yes, sir.
- Q They are living in the country? A Yes, sir.
- Mr. Hastings: Did you have any witnesses at all before the Kern-Clifton Court? A Yes, sir.
- Q Who? A I went in, but they were not called.

Mose Riley, being duly sworn by Commissioner Needles, testified as follows:

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Mr. Smith: State your name? A Mose Riley.

Q How old are you? A 51.

Q Where do you live? A Chelsea.

Q How long have you lived there? A 21 or 22 years.

Q Do you know this applicant, Frank Whitmire? A Yes, sir.

Q Know where he lives? A Yes, sir.

Q Where? A On Big Creek.

Q How long has he lived there? A I don't know sir how long he has lived there, lived there a long time.

Q How far is that from where you live? A About 18 or 20 miles from where one of my places is.

Q Where did you first know Frank Whitmire? A I have knowed him ever since the war.

Q When did you first see him in the Cherokee Nation after the war? A Right after peace, after we came back here I saw him.

Q How long after you came back here before you saw him? A I don't know sir how long, it wasn't very long though.

Q Give us your best judgment as to how long it was? A It could n't have been more than three or four months I reckon.

Q Where did you see him? A Over in Saline district.

Q Don't know how long he has been back when you saw him? A We came back in the fall and I saw him that same year, that same winter

Q I say you don't know how long he had been back when you saw him? A No, sir, I don't know that.

Q Did you see him once or more than once at that time? A I only saw him once right then but I saw him after that.

Q How long afterwards? A Next time I saw him it must have been three or four months afterwards up on what is called Lynch's Prairie, that was four or five miles from where I lived.

Q How long afterwards? A It must have been three or four months I reckon, four or five months, something like that.

Q How long after that, or when did he come up on Big Creek to live? A I don't know sir just exactly when he did come there.

Q Do you know any of his children? A I know one or two of them, that is, by name.

Q Do you know his wife? A Yes, sir, know her when I see her.

Q Ever been to his house? A Yes, sir, I have been there a number of times.

Q Do they keep house? A Yes, sir.

Q Live together as man and wife? A Yes, sir.

Q How are they received in the neighborhood? A As man and wife.

Comm issioher: When did you say you first saw this applicant? A Over in Saline.

Q After the war; when was that? A I don't know just exactly what time it was.

Q What year was that? A It must have been in the winter, it was along in the winter I think of, well the same year we came there.

Q When did you come? A I came in '66.

Q What time of the year did you come? A We came in the fall.

Q And you saw this man this next winter? A Yes, sir, I saw him that winter.

Q The fore part of the winter or last part of the winter? A It was close to about Christmas, I don't know now whether after or before Christmas, but it was along there somewhere.

Mr. Hastings: Who was with him? A He was by himself when I ~~saw~~ saw him.

Q Come to your house? A No, I had no house but he came to my father's house.

Q Where was he living? A I don't know sir where he was living, I know where his father was living.

Q Where was your father living? A On the old McNair place.

Q Made a crop there that year? A Yes, he made a crop there, helped him to.

Q And there was nobody with this man? A Nobody with him when he came to my father's house.

Q Was he in a wagon? A No sir, horseback.

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- Q How long did he stay there? A Just stayed there all night.
- Q Was his wife with him? A No, sir.
- Q Was he married at that time? A I don't know sir, whether he was or not.
- Q Never heard him say anything about that? A No, sir.
- Q He was a stranger to you, never saw him before? A I saw his father.
- Q But him? A No, sir, I never saw him before.
- Q About how old was he at that time? A I don't know.
- Q Was he a man? A Looked like he was.
- Q Now are there any particular circumstances that you remember his being there that time? A Yes, sir, he was inquiring about Uncle Mose Alberty.
- Q Was that the particular circumstance? A Yes, sir, and I knowed his daddy.
- Q He stayed all night at your house? A Yes, sir.
- Q Was Mrs. Martin Thompson on that place at that time? A Yes, sir.
- Q You had never seen him before the war? A No, never saw him.
- Q How soon before you ever saw his wife? A I never saw his wife till '73.
- Q Where did you see him? A When I saw him I saw her at his house on Big Creek.
- Q How far is that from Albert Morris? A I don't know where Albert Morris lived there.
- Q Do you know where he lives now, where his farm is? A Yes, sir.
- Q How far is that from his farm up there? A Well, where Frank lives now I guess it is about two miles and a half or three miles south.
- Q Did this man have any children in '73, when you saw his wife?
- A Yes, sir.
- Q How many? A I don't know how many, I stayed all night at his house.
- Q But you don't remember these children's names? A Remember their names, I remember their names when I hear them called.
- Q You would have remembered it if it has been in '66? A I know that I would know it if I saw them in '66.
- Q But you don't remember seeing them in '73? A I never heard their names.
- Q About how old was the largest one? A I don't know, they are grown and married most of them.
- Q At that time, in '73? A Some good size girls and some good size boys.
- Q About how old was the oldest one? A I don't know, they were big enough to take my horse and put it up at his house.
- Q At that time, in '73? A Yes, sir.
- Q Was the oldest a girl or boy? A I don't know which one was the oldest one.
- Q Was it a boy took your horse and put it up? A Looked like a boy, it had on pants.
- Q And you think that was in '73? A It was in '73.
- Q You are positive of that? A Somewh res along about that time.
- Q I want to know if you are positive? A I can't say for sure ~~now~~ it was then, ~~in~~ ~~in~~ but it was along there some time.
- Q Could it have been as late as '75? A Well, I think it was '73, how I know it was '73, I have got a child that was born in '73, and it was born the night before I stayed all night at Frank's.
- Q You know he was born in '73? A I know my child was born and I stayed all night next night ast his house.
- Q You are more positive in '66 then you are in '73? A Oh yes, you know we knew something about '66, I know something about now so far as that is concerned.
- Q Where was he living in '73, Frank? A Same place he is living now? A No, sir.
- Q How far from there? A Why I don't know whether it was on his place or his brother's place, I don't know which one of them it was, I don't know whose place it was, but where I stayed all night was on

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along about there.

Q You didn't know this fellow before the war, did you? A Yes, sir I knew him before the war.

Q And you lived two days travel from him? A Well the way I come to find out was following the regiment traveling, going backwards and forwards.

Q Well the regiment, was it going that was before the war?

Q Well Waite's was.

Q Before the war broke out? A No, sir, the war had commenced.

Q Don't you know this fellow left the country when the war commenced and didn't come back till after the war was over? A He was down at the Whitmires.

Q Which one of the Whitmires was he with? A Johnson Whitmire.

Q Where were they living? A We camped right close there to the Whitmires, in the Creek.

Q What Creek? A It must have been a river or something, it wasn't far from there.

Q Did it have any name? A I don't know of any name for it, ~~xxx~~ I heard of so many little creeks down there.

Q In fact you don't know much about it anyway, do you? A I just only knew him.

Q How large was he when you saw him there at that time? A A good big ~~siz~~ sized fellow, big enough to drive a team.

Q Was he grown? A Wasn't quite grown.

Q Was he grown after the war when you saw him? A He was mighty near it, he was a good size boy.

Q And wasn't quite grown after the war? A He was about grown I reckon.

Q You know you saw him? A I saw him, of course he was a good size fellow then, not a child.

Q You don't know where he went during the war? A No, sir.

Q Don't know where he married? A No, sir.

Q Don't know anything about his family? A No, I never seen them.

Q Don't know where his family was when you claim to have seen him down there just after Christmas after the war closed? A No, sir, don't know where they were.

Q Did he come to your house, or whose house? A No, sir, he was there at his brother's, his brother ^{was} on the Bob Daniels house.

Q What was his brother's name? A Mose Whitmire.

Q Know anything about what family Mose lived near by? A Nearby George Landrum's family.

Q And this man, after you say him there, it was several years before you saw him again? A No, sir.

Q You don't know where he had been living in the meantime?

A No, sir, don't know where he had been living.

Q And you just happened to remember he came along there to his brothers and you say him? A After I come to think of it, I was here and he was here.

Mr. Hastings: What year did the Kern-Clifton Commission make a roll? A I don't know.

Q What year did Wallace make a roll? A Never kept count of it.

Q You don't know anything about dates? A No, sir.

Q Don't know one year from another when it comes to keeping dates? A No, sir.

Mr. Smith: You know when you came back here after the war? A Oh Yes sir.

Frank Whitmire, recalled, testified as follows:

Mr. Hastings: Where did you first see Dave French? A At Fort Gibson.

Q After the war? A Yes, sir.

Q What time of the year? A About just before Christmas, a little while before Christmas.

Q Now how long before Christmas? A Just about a day or two

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before Christmas.

- Q Did you spend your Christmas in Fort Gibson? A Yes, sir.
Q Was Dave living ~~in a house~~ there at that time? A Yes, sir.
Q Was he living in a house; was you at his house? A I wasn't at his house, I don't know whether he had or not.
Q Did you see ~~the members of his family~~ his wife down there? A No, sir.
Q Did you see the members of his family? A I used to see him before, I was raised right by him.
Q Before the war? A Yes, sir.

Dave French, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Smith: State your name? A Dave French.
Q How old are you? A 72 years old.
Q Do you know this applicant, Frank Whitmire? A Yes, sir.
Q How long have you known him? A Well, knowed him all the time, a long time.
Q Know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
Q Did he live in the Cherokee Nation? A Yes, sir.
Q Where did he live when the war commenced? A He was living down on the Creek, they called it PeaVine I believe, in below where we lived about seven or eight miles.
Q Where was this man Frank Whitmire at this time? A He was there.
Q When did you first see Frank Whitmire in the Cherokee Nation after the war? A I saw him Christmas, of '66 in Fort Gibson.
Q Know how long he was up there at the time? A No, sir, he might have lived here in Gibson, I can't tell you.
Q Mr. French, do you know whether he was married at that time or not? A No sir, I don't.
Q When did you next see him after you saw him in Fort Gibson? A I don't know exactly how long, I guess I next saw him away up on the River, on Big Creek, I don't know which.
Q Do you know where he lives now? A Yes, sir, on the Big Creek.
Q Have you ever been to his house? A I believe I have, but not very much.
Q You know how long ago it has been since you first saw him on Big Creek? A No, sir, I don't.
Q Was it a long time or a short time? A Well, it has been a good while, every once in a while I saw him, maybe I saw him that year and maybe the next year and maybe the year after that.
Mr. Davenport: You knew him before the war? A Yes, sir, I knew him all the time.
Q And when he came to Fort Gibson you recognized him at once?
A Yes, sir.
Q He have his wife with him there? A He never had his wife, I never saw anybody with him.
Q You were living at Gibson at the time? A I was living at Gibson, I was going backwards and forwards hauling people from Kansas, I had stayed there to Gibson though all the time till peace.
Q Did you have your wife with you? A I did not.
Q Where was she at that time? A I don't exactly recollect.
Q Was she in the Territory or Kansas? A I don't recollect.
Q Don't know where your wife was living? A No sir, I don't recollect now.
Q You were married? A Yes sir.
Q She had some children? A Yes, sir.
Q You don't know where she was living when you saw him in Christmas in '66? A I don't recollect where I had them at that time.
Q They were in Kansas? A Might have been in Kansas at that time.
Q You don't know where the family was? A No, sir, I don't know as he had a family, I never asked him.

Frank Whitmire, re-called, testified as follows:

Frank Whitmire 10/

Commissioner: You were married in Kansas? A No, sir.

Q In Missouri? A Yes, sir.

Q When did you first bring your family to the Cherokee Nation?

A I can't recollect when I did bring them, it has been so long I don't recollect, I came here and settled - -

Q You came back and married then? A Yes, sir, went back and married.

Q You were not married the first time, you went back and married and stayed there several years.

Q Some of your children were born in Missouri? A No, sir, all born in the Nation.

Q All of these oldest children were born in the Nation? A Yes, sir only Charlie.

Q You must have lived up there five or six years before you married? A No, I married my wife before the war ended, and then I went back after Charlie was born.

Q Married your wife in Missouri before it ended? A Yes, sir.

Q Got any proof of your marriage? A No sir not here.

Q Married in Missouri, wasn't you? A Yes, sir, Springfield, Missouri.

Q Got a license before you married, did you? A No, sir, I just married, a man married me.

Q That wife married there living here yet? A Yes, sir.

Q She is the mother of these children? A Yes, sir, mother of all of them.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Frank Whitmire on page 151 No.3729, Cooweescoowee District;
Jesse Whitmire, on page 151, No.3733, Cooweescoowee district;
Ada Whitmire not on said roll;

Ella Whitmire on page 151, No.3731, Cooweescoowee District;

George Whitmire, on page 151, No.3735, Cooweescoowee District;
Bessie Whitmire, on page 151, No.3734 Cooweescoowee district.

Q You never drew for Ada? A No, sir.

Q Why? A Just didn't; she was knocked off the roll.

The Wallace roll examined and the applicant, Ella Whitmire, identified thereon, page 149, No.3118, Cooweescoowee district, as Ellen Whitmire.

Commissioner: Frank Whitmire applies for the enrollment of himself and five children, to-wit, Jesse, Ada, Ella, George and Bessie. His name cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kern-Clifton and the Wallace roll. The names of his children, except Ada, are identified upon the Clifton roll. Ella being also identified upon the Wallace roll. Applicant avers that he was a slave of Johnson Whitmire, and went out of the Cherokee Nation during the war, and returned in the year 1866, and married in the State of Missouri, and returned to the State of Missouri and married and brought his family to the Cherokee Nation some years later. He makes satisfactory proof as to his residence. Now Frank Whitmire and his five children enumerated upon herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified by mail of the action of the Commission in the premises. It will be necessary for him to file satisfactory proof of the birth of Ada, who cannot be identified upon any of the rolls of the Cherokee Nation.

Bruce C. Jones, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded

Frank Whitmire 11

the ~~last~~ proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this ~~the~~ 12th of July, 1901.
(signed) Bruce C. Jones.
(signed) T. B. Needles,
Commissioner.

-R-

File with C.F. D-956, Frank Whitmire, et al.
SUPPLEMENTAL: C.F.D-956.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 27, 1901.

In the matter of the application of Frank Whitmire et al for enrollment as Cherokee Freedmen.

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. Ja's Davenport, for the Cherokee Nation.

WATT STARR, being sworn by the Commission, testified as follows:
BY MR. DAVENPORT:

- Q State your name? A Watt ~~Starr~~ Starr.
Q Where do you live? A Near Claremore.
Q How old are you, Mr. Starr? A 56 years old.
Q How long have you lived in the Cherokee Nation? A About 53 years.
I was out 3 years during the war, and I have lived here all my life but that.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q In what district did you live in the Cherokee Nation before the war? A Goingsnake.
Q Did you know before the war a slave by the name of Frank Whitmire?
A Yes sir.
Q To whom did he belong, if you know? A Belonged to Johnson Whitmire.
Q You know whether or not Frank went out during the war? A Yes sir he went out.
Q Have you seen Frank Whitmire since the war? A Yes sir.
Q When was the first time you saw him after the war, Judge?
A Best I can recollect, it was '77 or '78, one or the other, I don't recollect just which, in the fall.
Q Where was it you saw him? A On Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q Did you have any conversation with him at that time as to where he had been and when he came back? A Yes.
Q State what that conversation was, as near as you can remember?
A He said he hadn't been back but a few days, just had come in a few days before I saw him, and said he had been to Kansas; I asked him why didn't he come back sooner, he said he just couldn't get back.
Q You had been raised with him before the war, or near him? A Yes sir, in a mile and a half or two miles of him.
Q Before you met him this time you speak of did you hear that he had returned? A I heard that he did, and I started over to see him and I met him; we was raised up together and were boys together,
Q And that's when he told you then that he had just come back from Kansas? A Yes, sir.
BY MR. SMITH:
Q Mr. Starr what date did you say that was? A '77 or '78, one of the other.

Frank Whitmire 12

- When did you first have occasion to remember the date that you met him, when was the subject first made a subject of inquiry, after the time that you met him? A I talked about meeting him off and on, I never was sworn to ~~say~~ any statement until that Kerns Clifton Court.
- Q You testified before the Kerns Clifton court did you? A Yessir.
- Q Now from the time you met Frank Whitmire until the Kern Clifton court, you had no occasion to remember anything about the date that you saw him did you? A No I don't recollect.
- Q That was some 28 or '9 years after you saw him wasn't it? A I don't know when the Kerns Clifton court was; I kept no account of it.
- Q That was in 1896 when the Kerns Clifton court sat? A I couldn't say.
- Q You remember it has been within the last 7 or 8 years? A Yessir.
- Q Now you can't state whether it was '67 or '68? A No, I know it was not then, it was in '77 or '78.
- Q '77 or '78? A Yes, no '67 about it.
- Q You don't know anything about where he was in '67 or '68? A No I don't; he told me he was in Kansas; he told me he just come from Kansas.
- Q Now where were you in '67 and '68? A In Goingsnake District.
- Q Where were you in '66? A Goingsnake.
- Q Where were you in '65? A In the Cherokee Nation part of the time.
- Q When did you return to the Cherokee Nation after the war? A I aint no slave.
- Q I know, but many of the Cherokees went out? A I come back the fall after peace was made, in '65.
- Q Nearly all of the Cherokees went out of the Nation during the war? A No.
- Q Most of them went out didn't they? A Several of them went out.
- Q All I want to know is when you got back after the war? A '65, I think, in '65.
- Q Now you never saw this slave, Frank Whitmire, until along in '77 or '78? A No, '77, or '78 one or the other, I couldn't just tell you which.

Commission: This testimony will also be made a part of the record in doubtful Cherokee Freedman case, Card No. 974.

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 7th, 1901.

(signed) M.D. Green,
(signed) T.B. Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

Subscribed and sworn to before me this November 25, 1901.


Notary Public.

"P"

File with C. F. D- 1090, Nelson Whitmire, .

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of Frank Whitmire et al., for enrollment
as Cherokee Freedmen.

Appearances:

Mr. Smith, of Kellette & Smith, attorneys for applicants,
post-office, Vinita, I. T.

W.W. Hastings, of attorneys for the Cherokee Nation.

SAM COLERAN, being sworn and examined testified
as follows:

BY MR. HASTINGS:

Q What is your name? A Sam Coleran.

Q How old are you? A 46.

Q What is your post-office address? A Parkville, Missouri.

Q How long have you lived in the neighborhood of Parkville, Mis-
souri? A I have lived there in the neighborhood of Parkville Mis-
souri, I have lived there about thirty years.

Q You know a colored man up there by the name of Frank Whitmire?

A Yes sir, used to know him.

Q Did you know his wife? A Yes sir.

Q What was her name? A She went by the name of Jane Whitmire up
there.

Q Did you know her before he married her? A No sir.

Q Did this Frank have any children? A Yes sir.

Q You remember any of their names? A I remember two of them
their names, Charley was one of them and one Oscar, and he had a
girl I can't tell her name.

Q When did you first learn to know Frank Whitmire and his family?

A Along about '73.

Q How long did you know them there? A I knowed them up until
along about '80, '81.

Q 7 or 8 years? A Yes sir.

Q Were they living up there? A Yes sir.

Q In a house? A Yes, in a half-mile of where I was raised at.

Q Was it in town or in the country? A In the country on a farm,
he farmed there.

Q Where were you living? A I was farming, working for a man on
a farm.

Q Was Frank younger or older than you? A Frank were older than I
am.

Q About how much? A I suppose Frank must have been 10 or 15 years
older than I am.

Q You know what he finally became of him, where he
went to? A Well he sold out his property, his teams and tools he
had working with on the farm and he said he was coming to the Cher-
okee Nation, and I hauled his family to the depot for him.

Q You remember what year that was? A That was in the year of '80
I think.

Q And you had known him from about '72 or '73? A Yes sir.

Q During that time they lived there as your neighbors? A Yes sir.

Q You see him frequently during that time? A Pretty near every
day, I was with him, I worked for a man that raised me there, worked
for him.

BY MR. SMITH:

Q What did you say your name was? A Sam Coleran.

Q You say this man that you are talking about is 15 years older
than you are? A I said I supposed he was 10 or 15 years older, I
don't know exactly his age.

Q How old are you? A 46.

Q You don't know anything at all of the whereabouts of Frank Whitmire? Or any of his family, before '72 or '3 when you first got acquainted with them? A No sir.

Q You don't know where they were then? A No sir.

Q Where were you living in '72 or '3? A I was living up near Farley, in Platt County, Missouri.

Q How long has it been since you saw this man Frank Whitmire?

A It was '81 as well as I can remember that he left there.

Q You haven't seen him since? A No sir.

Q You don't know whether the man that is applying here is the man that you are talking about do you? A I don't know it, but I think it is.

Q I don't want to know anything about what you think? A Well of course I don't know it.

BY MR. HASTINGS:

Q How far is Parkville, Missouri from Springfield? A Springfield, Missouri, I don't know exactly how far it is.

Q How far was it from where you first knew this man in '73, how far was it from where you moved to where you knew this man in '73 that is the way I want to get it; you come down in the neighborhood of where he lived? A He come in the neighborhood of where I lived; I knew him before he moved to our neighborhood where I lived.

GEORGE DAVIS, being first duly sworn, and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A George Davis is my name.

Q How old are you? A Going on 58.

Q Where do you live? A Parkville, Platt County, Missouri.

Q How long have you lived there? A I have been over in Platt County ever since '72.

Q Do you know a colored man up there named Frank Whitmire? A Yes sir.

Q You know his wife? A No sir.

Q You know any of his family? A No I only know him up by passing right by his house; I never was at his house but worked around that neighborhood.

Q How old was he with reference to your age, was he older than you?

A I should judge him to be a man about my age.

Q You know that he had a wife? A Yes sir.

Q Did he have some children? A I think from what I could see passing by as much as three or four.

Q But you don't know their names? A No sir.

Q What was Frank doing up there? A He was living on a place, I don't know exactly whether he was farming or just working around

Q How long did you continue to know him? A About a year, '72 up until about '76.

Q How did you fix it to have been '72? A '72

Q How did you fix that, how did you fix the date that you begun to know him? A I came over there in that year. Hired to a man that lived over there, close to him.

Q You know what finally became of him? A No sir.

Q You know whether he claimed to be a Cherokee slave or not? A

That's what I always understood; people that was acquainted with him.

Q How long did you say you continued to know him? A From '72 up until about '76.

Q Lived there with his family during that time? A Yes sir.

Q You know Sam Coleman up there? A Yes sir.

Q How far did he live from Sam Coleman? A Sam Coleman, I think he lived about maybe a mile or maybe not so far, half a mile maybe.

BY MR. SMITH:

Q Where did you go from when you went to this place and hired out? A I went from Leavenworth City, old Platt County.

Q You don't know whether this man that you are talking about had any family or not do you? A Don't know whether he had any family or not?

Q No; do you? A Oh know I saw him there at his house.

Q You said awhile ago you didn't know his wife at all? A No, I was not acquainted with his wife, I couldn't swear that she was his wife, but she seemed to be living there with him.

Q How many times did you ever passed there? A I could not state the exact number of times, but a good many times; I passed there as often as three or four times during the week, ~~was~~ visiting a family that lived close to him.

Q And when did you leave the neighborhood? A When did I leave that neighborhood?

Q Yes. A I left there about '76 and went down about to where I live now.

Q Where you live now? A Yes sir.

Q How far is that? A About nine miles and a half below there.

Q Did you ever see this man after '76? A No sir, not after I left from up in that neighborhood.

Q How many years was it after the war, or was it before the war that you knew this man? A Before the war.

Q Did you know him before the war or after the war? A No sir, I didn't know him before the war.

Q Well, how many years after the war? A I got acquainted with him in '72.

Q Well about how many years was that after the war, do you know?

A No, I don't know exactly.

Q Can you state how long you knew him, how many months or whether you knew him a year or more or less? A About a year.

Q You knew him how long? A About six years.

Q You are certain it was '72? A Yes sir, from '72 until '73, and then I lost trace of him.

Q From '72 until '76, you think that's six years? A I should think it ought to be six years, aint it?

Q You don't know anything about the man who has applied here, you don't know whether it is the same man you are talking about or not, do you, you don't know whether the Frank Whitwire you are talking about is the Frank Whitwire who has been in that petition before this Commission? A No sir, I could not swear it.

BY COMMISSION: This will be filed in Cherokee Freedmen D-974, D1090, and this case at bar.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W.D. Green

Subscribed and sworn to before me this February 24, 1904.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jacob Ross, et al., as Cherokee Freedmen, consolidating the applications of

Jacob Ross, et al.....	Cherokee Freedmen	D	539
George Ross, et al.....	"	"	D 540
Moses Ross, et al.....	"	"	D 541
Sarah Allen, et al.....	"	"	D 543
Rosanna Skaggs, et al....	"	"	D 545
Willie Ross, et al.....	"	"	D 558
Thomas Archer, et al.....	"	"	D 901
Eli Archer.....	"	"	D 1002
Celia Thompson, et al....	"	"	D 446
Josie Brown, et al.....	"	"	D 449
Benjamin Adair, et al....	"	"	D 451
Abbie Rowe, et al.....	"	"	D 452
Peter Adair.....	"	"	D 560
Frank Whitmire, et al....	"	"	D 956
Austin Whitmire, et al...	"	"	D 974
Nelson Whitmire.....	"	"	D 1090
Abbie Mayhew.....	"	"	D 447

-: D E C I S I O N :-

The record herein shows that applications were made to this Commission for enrollment as Cherokee Freedmen by Maria Ross, for herself, her husband, Jacob Ross, her daughter, Ella Ross, and her minor grandchild, Thomas Anderson; the said Thomas Anderson, being differently classified, is not embraced in this decision; by George Ross for himself, his wife, Rose Ross, and their minor children, Fred and Stella Ross; by Moses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Skaggs for herself and her husband, William Skaggs; the said William Skaggs claims only by intermarriage and his rights are not passed upon in this decision; by Willie Ross for himself, his wife, Rosa, and their minor children, Emma and Lee Etta Ross; by Thomas Archer for himself and his wife, Georgeann Archer; the said Georgeann Archer claims only by intermarriage and her rights are not passed upon in this decision; by Eli Archer for himself; by Celia Chambers (now Thompson) for herself, her minor children, Aleck, Goldy and Elsie May Adair and her minor grandchild, Lela Whitmire; by Josie Brown for herself, her husband, Robert Brown, and their minor children, Turner, Bessie, Gracie, Claudy and Celia Brown; the said Robert Brown claims only by intermarriage and his rights are not passed upon in this decision; by Benjamin Adair for himself, his wife, Lizzie Adair,

and their minor children, Isaac, Gillie, George, Cleveland and Aid Adair; by Abbie Rowe for herself and her minor children, Arthur, Minnie and Abbie Rowe; by Peter Adair for himself; by Frank Whitmire for himself and his minor children, Jesse, Ada, George and Bessie Whitmire and Ella Bryant (formerly Whitmire); by Austin Whitmire for himself and his minor children, Cora, Minnie, Josephine and Arthur Whitmire; by Nelson Whitmire for himself; and by Abbie Mayhew for herself.

Copies of the testimony, taken at Muskogee, Indian Territory, on April 15, 1902, in the case of Nelson Marrell et al.; Cherokee Freedmen D-24; at Muskogee, Indian Territory, on May 16, 1902, in the case of George Harris et al.; Cherokee Freedmen D-25; and at Vinita, Indian Territory, on October 3, 1901, in the case of David Martin et al.; Cherokee Freedmen D-26, are filed herewith and made part of the record in this case.

The evidence in this case shows that Jacob Ross, Maria Ross, Thomas Archer, Della Chambers, Abbie Mayhew and Frank Whitmire are slaves of Cherokee citizens at the commencement of the rebellion and were taken out of said nation, and that Jacob Ross, Maria Ross, Thomas Archer, Della Chambers (now Thompson) and Abbie Mayhew did not return to said nation within the time specified in the decree of the Court of Claims, rendered on February 3, 1860, in the case of Rosa Whitmire, trustee, et al., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; that Frank Whitmire did return to the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1860, aforesaid.

That Ella Ross, George Ross, Moses Ross, Willie Ross, Rosanna Skaggs, Sarah Allen, Fred Ross, Stella Ross, Rosa Ross, Lee Etta Ross and Oscar Tucker are the children and grandchildren of Jacob and Maria Ross, born since 1860, and possess no rights to enrollment except as their descendants. That Louisa Burney was born subsequent to the date of the 1860 roll, and is the minor child of one James Burney, who is identified on the 1860 authenticated Cherokee roll. That Rosa Ross, the wife of George Ross, was born since 1860 and claims the right to enrollment through her father, one Louis Gibson, whose application for enrollment as a Cherokee Freedman has been denied by this Commission. (See Cherokee Freedmen D-274). That Eli Archer and Rosa Ross, wife of Willie Ross, were born since 1860 and are the descendants of, and claim the right to enrollment through, Thomas Archer and his wife, Della Archer, who returned to the Cherokee Nation with her husband after the rebellion. That Rachel Ross, wife of Moses Ross, Jesse Whitmire, Abbie Whitmire, George Whitmire, Della Whitmire, Ella Bryant, Ada Whitmire, Nelson Whitmire, Cora Whitmire, Minnie Whitmire, Josephine Whitmire, Arthur Whitmire, Lela Whitmire, Lizzie Adair, Isaac Adair, Gillie Adair, George Adair, Cleveland Adair and Aid Adair are the children and grandchildren of Frank Whitmire, born since 1860, and claim the right to enrollment through the said Frank Whitmire. That Aleck Blair, Goldie Blair, Elsie Blair, Benjamin Blair, Ester Blair, Jessie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claude Brown, Della Brown, Abbie Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe are the children and grandchildren of the said Gelia Thompson, born since 1860, and claim the right to enrollment through the said Gelia Thompson.

The evidence further shows that Jacob Ross, Maria Ross, Ella Ross, George Ross, Rosa Ross, Fred Ross, Stella Ross, Moses Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Willie Ross, Rosa Ross, Lee Etta Ross, Eli Archer, Thomas Archer, Gelia Thompson (formerly Chambers), Aleck Blair, Goldie Blair, Elsie Blair, Abbie Mayhew,

Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudy Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe, and Abbie Mayhew are not identified upon the Cherokee tribal roll of 1880.

It further appears that Frank Whitmire has resided continuously in the Cherokee Nation since his return thereto, in 1866, with the exception of about one year when he had a temporary residence in the State of Missouri, and that the applicants Lela Whitmire, Rachel Ross, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair, Aid Adair, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant (formerly Whitmire), Austin Whitmire, Cora Whitmire, Mineola Whitmire, Josephine Whitmire, Arthur Whitmire, Nelson Whitmire and Louisa Burney have resided in the said nation since birth.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jacob Ross, Maria Ross, Ella Ross, George Ross, Robt Ross, Fred Ross, Stella Ross, James Ross, Sarah Allen, Oscar Tucker, Esanna Skaggs, Willie Ross, Rosa Ross, Emma Ross, Lee Etta Ross, Eli Archer, Thomas Archer, Coll Thompson, (formerly Chambers), Aleck Adair, Goldy Adair, Elsie May Adair, Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudy Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe, and Annie Mayhew, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495); and it is further the opinion of this Commission that Lela Whitmire, Rachel Ross, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair, Aid Adair, Frank Whitmire, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant (formerly Whitmire), Austin Whitmire, Cora Whitmire, Mineola Whitmire, Josephine Whitmire, Arthur Whitmire, Nelson Whitmire, and Louisa Burney should be enrolled as Cherokee Freedmen, in accordance with the provisions of said section twenty-one of the act of Congress above cited, and it is so ordered.

COMMISSION TO SUPPLY CIVILIZED TRIBES.

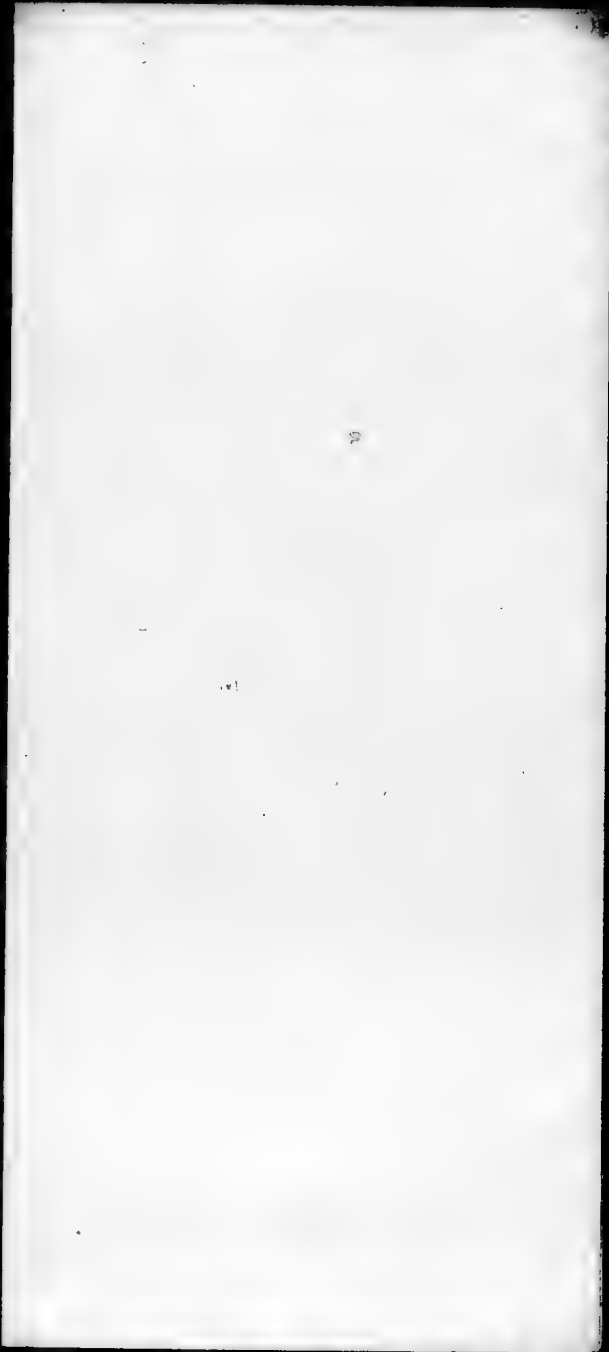
(Signed) Wm. Bixby
Chairman.

(Signed) T. F. Needles
Commissioner.

(Signed) A. B. Brackinridge
Sergeant.

Wagon, Indian Territory

Dec 16 1904



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-539, et al.

Muskogee, Indian Territory, December 16, 1904

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting the applications for the enrollment of Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair, Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Winola, Josephine, Arthur and Nelson Whitmire, Ella Bryant (formerly Whitmire), Louisa Burney and Rachel Ross, as Cherokee Freedmen, and rejecting the applications for the enrollment of Jacob, Mariah, Ella, George, Rosa, Fred, Stella, Moses, Willie, Rosa, Emma, and Lee Etta Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Eli and Thomas Archer, Celia Thompson (formerly Chambers), Aleck, Goldy, Elsie May, Benjamin and Peter Adair, Josie, Turner, Fessie, Gracie, Claudy and Celia Brown, Abbie, Arthur, Minnie and Abbie Howe as Abbie Mayhaw, as Cherokee Freedmen.

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You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. B-60

Tamm Dixie
Chairman

Cherokee Freedman
D-1090.

Muskogee, Indian Territory, January 7, 1905.

Nelson Whitmire,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee Freedman, together with the Commission's decision dated December 16, 1904, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. W. W.

James Bixby.

Chairman.

Encl. L-62.

Register.

COPY

Cherokee Freedmen
D-539 et al.

Muskogee, Indian Territory, January 7, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the consolidated case of Jacob Ross et al., including the Commission's decision dated December 16, 1904, dismissing the application for the enrollment of Jacob Ross, rejecting the applications for the enrollment of Mariah, Ella, George, Rose, Fred, Stella, Moses, Willie, Rosa, Emma, and Lee Etta Ross; Sarah Allen, Oscar Tucker, Rosanna Skaggs, Thomas and Eli Archer; Celia Thompson, Aleck, Goldy, Elsie May, Benjamin, and Peter Adair; Josie, Turner, Bessie, Gracie, Claudy, and Celia Brown; Abbie, Arthur, Minnie, and Abbie Rowe; and Abbie Mayhew, and granting the applications for the enrollment of Rachel Ross, Louisa Turney, Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Minola, Josephine, Arthur, and Nelson Whitacre; Ella Bryant, and Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair, as Cherokee Freedmen.

Respectfully,

Jane Birby.
Chairman.

Encl. L-67.

Through the
Commissioner of Indian Affairs.

LAND:
2223-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

April 1, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maria Ross for herself, her husband, Jacob Ross and her daughter, Ella Ross; by George Ross for himself, his wife, Rose Ross and their minor children, Fred and Stella Ross; by Moses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Skaggs for herself; by Willie Ross for himself, his wife, Rosa and their minor children, Emma and Lee Etta Ross; by Thomas Archer for himself; by Eli Archer for himself; by Celia Chambers (now Thompson) for herself, her minor children, Aleck, Goldy, and Elsie May Adair, and her minor grandchild, Lela Whitmire; by Josie Brown for herself and her minor children, Gracie, Claudy and Celia Brown; by Benjamin Adair for himself, his wife, Lizzie Adair, and their minor children, Isaac, Ollie, George, Cleveland and Aid Adair; by Abbie Rowe for herself and her minor children, Arthur, Minnie and Abbie Rowe; by Peter Adair for himself; by

Frank Whitmire for himself and his minor children, Jesse, Ada, George and Bessie Whitmire and Ella Bryant (formerly Whitmire); by Austin Whitmire for himself and his minor children, Cora, Mineola, Josephine and Arthur Whitmire; by Nelson Whitmire for himself, and by Abbie Mayhew for herself.

December 16, 1904, the Commission decided favorably to Rachel Ross, Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair; Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Mineola, Josephine, Arthur and Nelson Whitmire; Ella Whitmire Bryant and Louisa Burney and adversely to all the other applicants.

The record shows that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers, Abbie Mayhew and Frank Whitmire were slaves of Cherokee citizens at the beginning of the war of the rebellion and were taken out of the Cherokee Nation, and that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers (now Thompson) and Abbie Mayhew did not return to the Nation on or before February 11, 1867, but that Frank Whitmire did return prior to said date.

It is also shown that Ella, George, Moses, Willie, Fred, Stella, Emma and Lee Etta Ross and Rosanna Skaggs, Sarah Allen and Oscar Tucker are the children and grand children of Jacob and Maria Ross born since 1866, and possess no rights to enrollment except as their descendants; that Louisa Burney was born subse-

quent to the date of the 1880 roll, and is the minor child of one James Burney, who is identified on the 1880 authenticated Cherokee roll; that Rose Ross, the wife of George Ross was born since 1866 and claims right to enrollment through her father, one Louis Gibson, whose application has been denied and the adverse decision affirmed by the Department November 19, 1903 (I.T.D. 6126, 8060-1903); that Eli Archer and Rosa Ross, wife of Willie Ross were born since 1866, and are the descendants of, and claim right to enrollment through Thomas Archer and his wife Delsie Archer, who returned to the Cherokee Nation with her husband subsequent to February 11, 1867; that Rachel Ross wife of Moses Ross, Jesse, Ada, George, Bessie, Austin, Nelson, Cora, Mineola, Josephine, Arthur and Lela Whitmire, Ella Bryant, Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair are the children and grand children of Frank Whitmire, born since 1866, and claim right to enrollment through her.

It does not appear that any of the applicants is identified on the 1860 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. P. Larrabee

Acting Commissioner.

M.H.L. (W)

(COPY)

D.C. 48532-1906.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

CRW
LLB

I.T.D. 3396, 8393, 8445,
8479, 8497, 8583,
8585, 8589, 8649,
8707, 8791, 8793,
8795-1905.

November 2, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 7, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for the enrollment of Jacob Ross et al. as Cherokee freedmen, including its decision of December 16, 1904, rejecting the applications of Jacob, Mariah, Ella, George, Rose, Fred, Stella Moses, Willie, Rosa, Emma, and Lee Etta Ross; Sarah Allen; Oscar Tucker; Rosanna Skaggs; Thomas and Eli Archer; Celia Thompson; Aleck, Goldy, Elsie May, Benjamin, and Peter Adair; Josie, Turner, Bessie, Gracie, Claudy, and Celia Brown; Abbie, Arthur, Minnie, and Abbie Rowe, and Abbie Mayhew; and granting the applications of Rachel Ross; Louisa Burney; Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Mineola, Josephine, Arthur, and Nelson Whitmire; Ella Bryant, and Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair.

Reporting April 1, 1905 (Land 2223), the Indian Office rep-

ommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, motions for review were filed in the matter of the applications of Moses Ross, Abbie Rowe et al., Celia Thompson et al., Rose Soaggs, Ella Ross et al., George Ross et al., Jacob Ross et al., Abbie Mayhew, Benjamin Adair, Sarah Allen et al., Eli Archer et al., and Thomas Archer.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will notify local attorneys of departmental action.

The papers in the case, including said motions for review, have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock

Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 14 to Ind. Of.

Cherokee Freedmen

D-539, et al.

Muskogee, Indian Territory, November 16, 1905.

Wm. A. Sulzer,

Attorney for D-539, et al.,

Hot Springs, Arkansas.

Sir:

You are hereby notified that the Chief of the
Commission to the Five Civilized Tribes, December 1,
1905, submitted to the Department of the Interior, et al., an
application for the Cherokee Freedmen, et al., for their al-
lowance of the Cherokee Freedmen, and application for the Secretary of
the Interior, December 1, 1905, in the event of the review of
said cases, filed by you on October 7, 1905, denied.

For your information, there is inclosed herewith a
copy of Departmental decision thereon.

Respectfully,

Wm. A. Sulzer
LS

Commissioner.

Cherokee Freedmen

D-539, et al.

Muskogee, Indian Territory, November 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that in execution of the Commission to the Five Civilized Tribes, December 1, 1906, respecting the applications of Beck Moss, et al., and granting the applications of Beck Moss, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior November 2, 1906, and the same for review of said cases, filed in your office, 1906, et seq.

For your information, there is hereby enclosed a copy of Departmental decision referred to.

Respectfully,

Incl. 8-1
LS

Commissioner.

Cherokee Freedmen

D-1090.

Muskogee, Indian Territory, November 13, 1906.

Nelson Whitmire,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior November 2, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Commissioner.

Cher Fr 1537

Cher Fr 1537

Tand.
50395-1905.

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON. July 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Rachel Martin for herself and her two children, Luther and John Martin.

June 28, 1905, the Commission decided favorably to John Martin and adversely to the other applicants.

The record shows that Rachel Martin was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she went out of the Cherokee Nation, and that she did not return thereto on or before February 11, 1867.

The record further shows that Luther Martin is the son of Rachel and John Martin and claims right to enrollment through both parents. The record shows that John Martin was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he removed from the Cherokee Nation, but did not return thereto on or before February 11, 1867.

It further appears that the applicant, John Martin (or Towers) is the son of Rachel Martin and one John Towers whose name appears at No. 3423 on the partial roll of Cherokee Freedmen approved by the Department November 16, 1904.

All of the applicants are identified on the Kern-Clifton roll but upon no other Cherokee roll.

In view of the record the approval of the Commission's decision favorable to John Martin and adverse to the other applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.H.W.
W.

D.C. 52897-1906.

(COPY)

DEPARTMENT OF THE INTERIOR

Y.P.

WASHINGTON

LLB

I.T.D. 8631-1905.
9620- "

November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 28, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Rachel Martin and her two children, Luther and John Martin, as Cherokee freedmen, including its decision of the same date, rejecting the application for the enrollment of Rachel and Luther Martin and granting the application for the enrollment of John Martin as Cherokee freedmen.

Reporting July 29, 1905 (Land 50395), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, attorneys for applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The papers in the case, including said motion for review, have been sent to the Indian Office for its files.

Through the Commissioner
of Indian Affairs.

Respectfully,
(Signed) Thos. Ryan,
First Assistant Secretary.

1 inc. and 3 to Ind. Of.

10.00 11 27

№. 878

Cher Fr 1538

See Cher Fr D367

Cher Fr 1538

Early Lynch

GRANTEI

BY THE SECRETARY OF THE INTERIOR.

1896

J. Frank

67

Cher Fr 1539

Trans. from Cher Fr D210

Cher Fr 1539

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 8th 1901.

In the matter of the application of Dora Miller for the enrollment of herself and four children as Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Dora Miller.
Q How old are you? A. 23.
Q What is your post office address? A. Vinita.
Q In what district do you live? A. Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you apply for besides yourself? A. My children.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. Simon Miller.
Q Is he living? A. Yes sir.
Q Are you divorced from him? A. Yes sir.
Q How many children have you? A Four.
Q What are the names of your children? A. Vine
Q Is that a boy or girl? A. Boy.
Q How old is he? A. 7.
Q Next child? A Clarence.
Q How old is he? A. 5.
Q Next child? A. Jerald
Q How old? A. 3.
Q Next child? A. Willie.
Q How old? A. 16 months.
Q What is your fathers name? A. William Richardson
Q Is he living? A. I dont know.
Q What is your mothers name? A. Carrie.
Q Is she living? A. No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. No sir I dont think it is.
Q Have you ever applied to be enrolled by any other Nation besides the Cherokee Nation? A. No sir.
Q Have you ever drawn any money from any other Nation besides the Cherokee Nation? A. No sir.
Q Where is your mother? A. She is dead.
Q You say your name is not on the roll of 1880? A. No sir.
Q Is your mother's name on the roll of 1880? A. My mother is on the old back roll.
Q Did you ever draw any money from the Cherokee Nation? A. Yes sir
Q Did you draw the Strip money? A. Yes sir.

Wallace Robl of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 136 No. 2841, Dora Richardson, Tahlequah district.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The Kerne-Clifton roll of the Cherokee Nation examined and the name of the applicants not found thereon.

- Q Your mother's name name you say is Carrie Richardson? A. Yes sir.
Q Is she living? A. No sir.
Q What proof have you that she was entitled to Cherokee citizenship?
A My uncle.

ELIZA TUCKER called and sworn as a witness, on behalf of the applicant, testified as follows: (Examination by Commissioner T.B. Needles)

- Q What is your name? A. Eliza Tucker.
Q What is your age? A. 45.
Q What is your post office address? A. Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Do you know Carrie Richardson? A. Yes sir
Q Was she the mother of Dora Miller? A. Yes sir.
Q What relation to you was she? A. My sister.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. John Ratcliff.
Q Was she taken out during the war? A. No sir, we was here in Illinois district.
Q Did she ever leave the Cherokee Nation before she died? A. Yes sir, she went to Texas after she was married, she was married in Illinois district.
Q What years was she married in? A. I dont know that.
Q Was it after the war? A. Yes sir.
Q And then she went to Texas? A. Yes sir.
Q How long did she stay in Texas? A. I dont know exactly.
Q She was your sister? A. Yes sir.
Q Is your sister's name on the roll of 1880? A. No sir.
Q Why not? A. She wasn't here.
Q Where was she? A. In Fort Gibson on the river.
Q Well she didn't that to be right here they went all over the Cherokee Nation putting them on the roll? A. Well I dont know why?
Q Wasn't she in Texas then? A. I dont know.
Q Dont you know how long she was in Texas? A. I dont know.
Q When did she die? A. She was killed in Texas.
Q Where was Dora born? A. I dont know but I know her mother was my sister.

By W. W. Hastings, Cherokee Attorney:

- Q Your sister went away a short time after the war didn't she? A. I just dont know what time it was exactly; it was after we had moved up on Grand river.
Q About how many years after the war was it that she went away? A. She has been awy from here now about twenty years.
Q Do you think that you moved away from Fort Gibson 15 years after your sister went to Texas? A. No sir not that long.
Q How long? A. Two or three years.
Q And then your sister went to Texas? A. Yes sir.
Q And she lived there in Texas until she was killed there did she? A. Yes sir.
Q Was she married in Texas? A. No sir in Fort Gibson.
Q Is this woman here her oldest child? A. Yes sir.
Q When did you first see this child here? A. She came here in 1880, my mother raised her.
Q That was after your sister had been killed in Texas? A. Yes sir, my oldest sister Polly Lee brought her back up here.

By the Commission:

- Q Do you know where this child Dora was born? A. No sir I dont.
Q You say your oldest sister brought her up here after her mother died?
A Yes sir
Q And that that was in 1880? A. Yes sir.
Q Then this girl could not have been more then three years old when your sister brought her up here—about how old was she? A. I dont know just how old she was.

Q You say that your oldest sister brought her from Texas up here after her mother died and that that was in 1880, and she is not 23 years old, so she swears, then she would be about 3 years old when she came here first with your oldest sister? A. I dont know exactly.

Applicant recalled- Examined by Commissioner:

Q Do you recollect where you lived-----Where did you live as far back as you can recollect? A. I dont remember anything about that time, only that my aunt brought me here.

Q Where did your aunt say you were born? A. Said I was born in the Territory.

Q Did she say she brought you from Texas? A. Yes sir.

Q And you were so young when she brought you here that you have no recollection of it? A. No sir.

By W. W. Hastings:

Q Where have you lived since you came here with your aunt? A. In the Creek Nation and Choctaw Nation and here.

By the Commission:

Q Where are you living now? A. In Vinita with my aunt.

Q Is your husband not living with you? A. No sir.

Q How long have you lived with your aunt? A. Ever since last year.

Q Where were your children born? A. In the Choctaw and Creek Nations.

ARCH LANDRUN called and sworn as a witness on the part of the applicant, and testified as follows before Commissioner T. B. Needles:

Q What is your name? A. Arch Landrum.

Q How old are you? A. About 70.

Q What is your post office address? A. Ketchum.

Q Do you know Dora Miller? A. Yes sir.

Q Did you know her mother? A. Yes sir she was my sister.

Q What was her name? A. Carrie Richardson.

Q Where was Dora Miller born? A. I dont know, but my understanding was that she was born at Fort Gibson, her mother was living there.

Q Was her mother a slave? A. Yes sir, she was a slave.

Q How long did she lived in the Cherokee Nation after the war? A. Why I dont know exactly, how long. My mother was living in Fort Gibson and I went down and moved them on the river where I am living and she staid with me two or three years, and then came here in town and then went away and got married? ~~xxxx~~

Q Where did she go and get married? A. At Fort Gibson.

Q She never went to Texas then at all? A. Yes sir.

Q When did she go there? A. I dont know as I was not down there when she went.

Q Do you know how long she lived in Texas? A. No sir.

Q Is she dead now? A. Yes sir her old man killed her.

Q Where did she die? A. In Texas.

Q How long ago was that? A. I dont know.

Q She was your sister and you dont know when she died? A. No sir I dont I was not there, and we never writ none and I did not know that she had gone down there to Texas until my sister brough this girl back and said that the mother had get married and moved to Texas and then got killed down there.

Dora Miller 5.4

- Q How old was she when your sister brought her back here? A. Three years old.
- Q How long had this girl's mother been in Texas before she was killed? A I dont know, how long.
- Q How long had you missed her? A. I cant tell nothing about it.
- Q You dont know how old Dora was when she was brought back here? A. About three years old I said.
- Q Have you no idea how long Dora's mother lived in Texas before she was killed? A. No sir.
- Q Didn't you ever hear how long she was there? A. I never got no letters and I dont know how long she was down there.

By W. W. Hastings-

- Q You know that she didnt live here but a short time after the war before she went to Texas? A. I didn't say shesaid here always.
- Q How long did she stay in Fort Gibson before she went to Texas? A. I cant tell.
- Q You heard of her didn't you? A. Some times I did and some times I didn't
- Q ~~xxxxxx~~ Now dont you know that she was not at Fort Gibson after the war more than 2 or 3 years before she married and went to Texas? A. I dont know when she went to Texas.
- Q You say that after she left your place and went to Fort Gibson you next hear of her after she had been killed? A. Yes sir.
- Q This girl's father was a State raised man wasn't he? A. I suppose so.
- Q The fact of the business is that he was a Texas raised man is it not?
- Q I never saw him in my life; she got married at Fort Gibson and I never saw him.
- Q Do you know that it was this girl's father that married your sister at Fort Gibson? A. I dont know only what I heard.
- Q In 1866 and along there there were not many State raised colored people in the Cherokee Nation were there? A. No sir.
- Q Arch, how many times have you been in jail? A. I cant tell how many times.

By Commission:

- Q You are positive that your sister was married to William Robinson in Fort Gibson and that this girl Dora was born before they went to Texas? A I think they was.
- Q They might have been married in Texas though? A. Might have been, I dont know.
- Q And you dont know how long your sister was in Texas? A. No sir.
- Q You dont know how long they lived there before she was killed? A. No a sir.

APPLICANT re-called and examined by W. W. Hastings:

- Q Has it not been your understanding that your father was a white soldier? A No sir.

ARCH LANDRUM recalled and examined by W. W. Hastings:

- Q How is it about your understanding Arch? A. I dont know.

APPLICANT RECALLED, and examined by W. W. Hastings:

- Q Your father was a soldier though? A. Yes sir. I have his record, he belonged to "F" Company and was a colored man, just as colored as I am.

By Cherokee Representative, L. B. Bell:

5.

Q Your father was a soldier at the time he married your mother wasn't he
A Yes sir.

By the Commission:.

Q Have you a record of your mother's death? A. Yes sir.
Q Is it in the family bible? A. No sir on a piece of paper.
Q Have you got any record of your birth? A. No sir, just that she was
killed and when it was.
Q You cant recollect your mother at all? A. No sir.

LUSTER FOREMAN called and sworn as a witness on the part of the
applicant testified as follows before Commissioner Needles:

Q What is your name? A. Luster Foreman.
Q How old are you? 58.
Q What is your post office address? A. Vinita.
Q Do you know Dora Miller? A. Yes sir.
Q Did you know her mother? A. Yes sir.
Q What was her mother's name? A. Carrie Richardson.
Q Do you know when she moved to Texas? A. No sir I dont know exactly/
the month and year, I knew her when she was living in Fort Gibson.
Q Do you know that she went to Texas? A. Yes sir she married a soldier
and moved there.
Q Did she ever return from Texas? A. No as I know of.
Q Do you know how long after the war it was that she went to Texas? A.
Quite a while after.
Q Did she have any children before she went to Texas? A. I dont know, I
got acquainted with this girl here at Vinita.
Q You dont know when this girl was born? A. No sir.

ELIZA TUCKER recalled and examined by the Commission:

Q Did Carrie have any children before she went to Texas? A. I dont know,
she didnt when she lived on the river, she was living with brother Arch.
Q Where was she married? A. At Fort Gibson.
Q And then went to Texas? A. Yes sir.
Q Do you know how long after she was married before she went to Texas?
A No sir.
Q How long did she live in Texas before she was killed? A. I dont know.
Q After she went to Texas the first time did she ever return to the
Cherokee Nation? A. No sir my sister said that she was not there very
long before she got killed.
Q Were you at her wedding when she got married? A. No sir just know that
she was married from what I heard them say; I saw the marriage certifi-
cate, my oldest sister who is dead now brought this girl here and
she had the certificate; it is lost now or cant be found anyway. My
sister had it before she died.
Q You dont know if this girl was born in Texas or the Cherokee Nation?
A All that I know is what my oldest sister who died told me.
~~with this girl before she brought her to Texas?~~
~~That's what she said. She brought this girl here after her mother was~~
killed.
Q What did she say? A. That she was born in the Cherokee Nation.
Q Did you ever see this marriage license that this girl speaks about? A.
Yes sir when my sister first brought this girl she had the certificate,
it is lost now.
Q Was the certificate signed by the person that married them? A. Yes sir
I guess so.
Q Did they have a license? A. It had a big red seal on it.
Q It might have been a Texas license mightn't it? A I dont know what
kind it was, all I know is that I saw it.
Q Do you know what place in Texas your sister lived in? A. No sir.
Q You dont know how long your sister lived in the Cherokee Nation until
she went to Texas? A. No sir but I knew it was after the Ten Dollar pay-
ment, because she went to Gibson just before it.
Q You say she lived in Texas before the Ten Dollar payment? A. No sir I
tidn't. I said that she went to Gibson.


did't, I said she had been in the Nation before the Ten Dollar payment. I did not say she lived in Gibson before she went to Texas.

By the Commission:-

... the Cherokee Nation in the possession of the Commission ... she avers that she is the child of William and Gardie Richardson; she avers that her mother was a slave and never left the Cherokee Nation during the war. The testimony shows that after the marriage of applicant's mother she lived in Texas; the testimony is not conclusive as to the time she moved there, but it is positive that she never returned. The testimony is indefinite as to whether the said Dora Miller who married one Simon Miller, was born in the State of Texas or the Cherokee Nation. It will be necessary for her to file with this Commission certificates of the birth of her four children named herein, they not being on any of the rolls of the Cherokee Nation in the possession of this Commission. Because of the indefiniteness of the testimony, and because she nor her mother are not found on the authenticated roll of 1880, the name of the said Dora Miller and her four children named herein will be placed on a doubtful card to await the further consideration of the Commission. The testimony shows that Gardie Richardson, the father of this applicant was a slave before the war and belonged to one John Ratliff, a Cherokee citizen.

Chas. W. Weis, being sworn, states that he attended to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 10th day of May, 1901 at Vinita, I. T.

Chas. W. Weis


For Recorder.

41
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

A. 8 1901

[Handwritten signature]
ATTORNEY GENERAL

CHEROKEE FREEDMEN.

Date *May 8, 1901*
Post Office *Siphita D.C.*
District *Delaware*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents: _____
Father _____ Citizenship _____
Mother _____ Citizenship _____

17. Name of wife *Dora Miller* Age *23*
Owner's name _____ Citizenship _____
Year *Wallace* *136* No. *2841* District *Tah*
Parents: _____
Father *Tom Richardson* Citizenship _____
Mother *Carrie* " *dead* Citizenship _____

Names of Children:

2	<i>Irene Miller</i>	Year	Page	No.	Dist.	<i>7</i>
3	<i>Esther</i> "	Year	Page	No.	Dist.	<i>5</i>
4	<i>Spald</i> "	Year	Page	No.	Dist.	<i>3</i>
5	<i>Willie</i> "	Year	Page	No.	Dist.	<i>16</i>
7		Year	Page	No.	Dist.	
8		Year	Page	No.	Dist.	
9		Year	Page	No.	Dist.	
10		Year	Page	No.	Dist.	
11		Year	Page	No.	Dist.	
12		Year	Page	No.	Dist.	

Application made by *no. 1* Stenographer *Char. on...*
1 On Wallace poll as Dora Richardson

2, 3, 4, and 5 affidavits of birth required.

ANNALS OF THE INTERIOR,
ON THE CIVILIZED TRIBES.
1850
1851

[Faint handwritten text]

20

COMMISSIONERS

HENRY L. DAWES,
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRUCE, JR.

ALLEN H. AYLSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wisita, G. Oct 11/10

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Dora Miller et al. for enrollment as
Freedmen of the Cherokee Nation.

No. :

7, 2, 210

Louis T. Brown
Agent for applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of Bora Miller et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-210.

APPEARANCES:

Lewis T. Brown for applicants.
W. W. Hastings for Cherokee Nation.

THOMAS R. GRAVES, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A Thomas R. Graves.
- Q What's your age? A 56, going on.
- Q What's your postoffice? A Muskogee.
- Q Did you ever live at Fort Gibson? A Yes, sir, I lived there a while.
- Q When did you come there? A First come there in '72.
- Q Did you ever know a colored man by the name of William Richardson?
- A I did.
- Q Did you know his wife? A I did.
- Q What was her name? A Carrie.
- Q Where did you go from Fort Gibson and when? A I went from Fort Gibson to Fort Sill in February, '73. Went from Fort Sill to Fort Richardson.
- Q When did William Richardson leave Fort Gibson? A If I am not mistaken he left there somewhere in '73, but I don't know exactly what day of the month and the month it was he did leave there.
- Q Where did he go? A His company was ordered from there to Fort Griffin, Texas.
- Q In Texas? A Yes, sir.
- Q Did he have his wife with him? A Yes, sir.
- Q When did you next see him in Texas? A I next see him along about the first part of '75.
- Q '75? A Yes, sir.
- Q Did he have his wife with him at that time? A Yes, sir.
- Q Do you know whether she had any children, ever had any children?
- A Well, of two children; she did have two I think, if I am not mistaken one of them was born at Fort Griffin, Texas, and I won't be positive, but it seems to me the other was born at Fort Concho, Texas.
- Q Did they have any children when they left Fort Gibson? A No, sir, they had no children when they left Fort Gibson.
- Q What became of Carrie Richardson, the wife of William Richardson?
- A She died there at Fort Concho.
- Q Do you know the circumstances of her death? A I do.
- Q What was the cause of her death? A It was caused by a lick that was hit through a tent where she was staying in by a soldier that was discharged on disability and laying around the quarters there. He hit her with an ax and robbed her and took her money.
- Q She died there in Texas? A Yes, sir, died there in Texas, and the man was hung there in Texas that hit her, killed her.
- Q You were there when she was struck, I mean you saw her? A Yes, sir, I was the man that arrested the man myself.
- Q Did she die immediately after she was struck? A No, sir. She lived, I guess she lived some seven or eight months, somewhere along there.
- Q And afterwards died? A Yes, sir, but she died from the effects of

it.

Q Where did she die? A Fort Concho.

Q Texas? A Yes, sir.

Q You say these two children of hers were born in Texas? A Yes, sir, born in Texas.

MR. BROWN: Where were you living when the first child was born? A Was in the army.

Q Whereabouts? A When the first child was born I was at Fort Richardson, Texas.

Q Where was this first child born? A Fort Griffin, Texas.

Q You was at Fort what now? A Fort Richardson, Texas, and this child was born at Fort Griffin, Texas.

Q Was you present when the child was born? A I wasn't present.

Q Well how do you know the child was born in Texas? A Well, only way I know about it I know that I went on an escort from Fort Richardson, Texas, to Fort Griffin, Texas, where I found the child there with her.

Q Well you don't know where it was born do you? A Yes, sir, it was born at Fort Griffin.

Q Well were you present when the child was born? A I wasn't.

Q How can you swear when or even where it was born? A Well I almost swear that child was born there because she had no children when she left Fort Sill, and when I went there to Fort Griffin, Texas, why I went right to see her quick as I got in there, because I was well acquainted with her, and she had the baby there with her.

Q You went from Fort Sill to Griffin? A No, I went from Fort Richardson to Fort Griffin.

Q Now how old was this child when you saw it? A I don't know how old it was; I couldn't say that.

Q Well about how old was it; ten or twenty? A No, it was a suckling child I would judge to be about eight or nine months old.

Q Well now how can you swear that this child was born in Texas if you wasn't there present when the child was born and never saw the child until it was eight or nine months old? A Well The reason I would swear to it because that she claimed it was her child, and which I will almost swear it was too.

Q How can you swear that that child was born in Texas when you wasn't there at the birth and wasn't at this woman's house until the child was eight or nine months old? A Well she claimed it to be her child.

Q Answer my question; you know my question? A It would be her child; I couldn't say any more than that.

COMMISSIONER: Repeat the question once more to him.

MR. BROWN: How can you swear that the child about which you are testifying was born in the State of Texas when you weren't present at the time the child was born and never saw the child until it was eight or nine months old? A Why she claimed it to be her child, which I suppose it was her child, and she claimed the child all the time, claimed to be her child, and undoubtedly it certainly must have been hers.

Q You don't know where it was born do you? A I would say it was born in Texas.

Q Do you know? A No, not positive.

Q You are just giving your judgment then? A Yes, sir.

Q Well now where was the second child born? A I wasn't present when the second child was born.

Q Well where was it born? A Born at Fort Concho.

Q Were you there at its birth? A No, sir.

Q How old was that child when you first saw it there? A Well I suppose it was, I don't know exactly, about, near about nine months or ten maybe, something like that, I don't know exactly.

Q You don't know where it was born, do you? A I would know it was

born in Fort Concho; I think it was born in Fort Concho, I am almost sure.

Q Are you testifying to what you think or what you know? A No, testifying to what I know.

Q And you knew this child was born there? A The reason of that, before she went to Texas she didn't have no children, and the children must have been born in Texas.

Q You don't know where she was these eight or nine months that you didn't see her? A No, sir, I suppose she was in Texas.

Q Do you know? A No, I don't know, I suppose.

Q Well now when did you first meet Carrie Richardson the first time? A First time I met her I met her in '72.

Q Whereabouts? A At Fort Gibson.

Q When did you go to Fort Gibson? A I went to Fort Gibson in July, '72.

Q She was living there then? A She was living there then.

Q Living with this man Richardson? A No, sir.

Q Who was she living with? A No man at all that I know of.

Q Well when did you say that she went to Texas? A She went to Texas in '73.

Q Where were you then when she went to Texas? A Why I was at Fort Richardson, I left her here at Fort Gibson when I left.

Q Why when you claim that she left Fort Gibson to go to Texas why you were in Fort Richardson in Texas? A I was in Fort Richardson, and her company that she was with passed right through.

Q You saw her? A Yes, sir.

Q Talked with her? A No, sir, I just know that they passed through there.

Q Well did you see her when the company passed through there? A No, sir, =

Q You had known her while you was in Fort Gibson? A I seen her all when they passed through there.

Q You knew her in Fort Gibson? A Yes, sir.

Q And didn't say anything to her? A I don't recollect of saying anything to her.

Q The truth is you don't recollect whether you saw her or no? A Yes, sir, I did.

Q Do you remember that distinctly? A Yes, sir.

Q Thirty years ago? A Yes, sir, thirty years ago.

Q Now when did Carrie Richardson and this man marry? A I don't know when they married, all I know about them I know he lived there at Fort Gibson when I left there.

Q Were you ever in Fort Gibson prior to '72? A No, sir. Got there in July, '72, first time I was there at all.

Q Now this man that you see here, when did he commence to live with this woman? A He commenced living with her at Fort Gibson.

Q What year was that? A '72.

Q How long did they continue to live there until they went away?

A Well I left there in February, '73, and if I am not mistaken I think they left there somewhere else in June or July, I don't know exactly which.

Q What year did you go to Fort Sill? A Back to Fort Sill again?

Q After you left Fort Gibson in '72? A '73, remained there about two months and then, my company was ordered from there to Fort Richardson.

Q You don't know where this woman was prior to that time? A At Sill part of the time.

Q Prior to '72? A No.

Q You don't know where she was in the year '66? A '66?

Q Yes, sir. Q If I am not mistaken '66, no I don't know where she was.

Q You know who she belonged to at the beginning of the war? A Don't know anything about who she belonged to.

Q From '66 until '72? A No, sir, I just got acquainted with her

in '72.

Q What was this first child's name? A Willie.

Q What year was it born? A Willie was born if I am not mistaken it was either in, I think it was '74, won't be sure, positive, but I think it was '74.

Q What year was the next child born? A If I am not mistaken the next child was born I think it was along the latter part of '76, I won't be positive now.

Q Well you are just as positive about that as you are to anything else you have testified to? A Well I try to tell the truth as nigh as I can.

Q Well how long had you been there in Fort Richardson when you saw this child; you went there in '73? A Repeat that again please.

Q How long had you been in Fort Richardson when you saw the first child of this woman whom you saw and William Richardson? A I don't know exactly how long I had been there.

Q About how long? A I couldn't exactly say, but I know I was ordered on an escort from Fort Richardson to Griffin, and there I seen that child, and I stayed down there near a week.

Q How long had you been there before you was ordered on this escort?

A How long had I been to Richardson?

Q Yes, sir. A I don't exactly know, I think I was there, I know I was in the winter, because we went there along in the first of the fall, and seems to me like it was somewhere along after Christmas; I know it was kind of cold.

Q What was this second child's name? A Second child was named Dora.

Q You remember that ever since '76? A I ought to remember when the aunt brought them over here to Fort Gibson, and they both stayed right there in my house.

Q When did the aunt of this applicant bring her to Gibson? A Brought her to Gibson if I am not mistaken it was along in '78 somewheres, somewhere about the '80 payment, because I know it was very shortly after the '80 payment when they were brought there.

Q Now how old was this applicant when they returned there? A I don't know. She stayed at my house, but I don't know how old she was; I don't recollect her age.

Q Was she as much as twenty? A No, I don't think she was twenty years old.

Q Do you think she was as mu h as three? A Oh, yes, sir, over three years old.

Q Was she as much as ten? A Oh, she must have been somewhere along about nine or ten.

Q You say they brought her to your house before the '80 payment?

A Yes, sir, it was either before or after the '80 payment, I don't know which.

Q How long after would you say, if it was after? A I don't know exactly. I ain't positive whether it was before or after the payment.

Q Now you know that this applicant came to your house in the fall of '79? A No, I don't think that they did.

Q What year was that? A Seems like it was in '80. I won't be sure, it might have been '79.

Q Well if this child was brought to your house in Fort Gibson in the year '80 and was nine or ten years old, then this child must have been born in '70 or '71? A I don't know about that, whether she was or not, you see I am not positive of age. I don't say that she was because I don't know.

Q Well you saw them there didn't you? A Well I seen them.

Q You have an idea as to a child's age when you see it? A Well I suppose I would if I took any particular notice of it.

Q The child stayed right there at your house for some time, didn't

it? A Stayed there I guess near somewhere along about three or four months before their aunt carried them to Vinita.

Q And your judgment is that that child was nine or ten years old?

A Somewhere along there.

Q That is when it was brought to your house? A It was either '80 or '79, I don't know which, one or the other.

MR. HASTINGS: After they left your house there in Fort Gibson where were these children taken? A Taken to Vinita.

Q That is in the Cherokee Nation? A Yes, sir.

Q The child at that time was a minor? A Yes, sir, their aunt was taking care of them.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 2nd day of July, 1902.

Seal

J. J. Seater
Notary Public.

C. F. No. 210.
217

IN RE
Application for Enrollment of
INFANT CHILD

Vine Miller

^{headman}
as a citizen of,

Cherokee

Nation.

Approved

1901

[Signature]
Commissioner.

Listed for Enrollment



C.F.N. 210

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Vine Miller (Here insert name of child), born on the 22nd day of January, 1894
Name of Father: Simon Miller, a citizen of the U.S. Nation.
Name of Mother: Dora Miller, a citizen of the Cherokee Nation.
Postoffice: Vinita, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Dora Miller, on oath state that I am 28 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of Simon Miller, who is a citizen, by of the United States; that a male child was born to me on 22nd day of January, 1894; that said child has been named Vine Miller, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses) {
Sumner Riddle
J. W. C. Hammett

Dora Miller
mark

Subscribed and sworn to before me this 17th day of May, 1905.

Charles Blue
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I attended on Mrs. _____ wife of _____ on the _____ day of _____, 1905, that there was born to her on said date a _____ child, that said child was living March 4, 1905, and is said to have been named _____.

WITNESSES TO MARK.

(Must be Two Witnesses) {

Subscribed and sworn to before me this _____ day of _____, 1905.

Notary Public

C.F.D-210. 217

§

IN RE

Application for Enrollment of
INFANT CHILD

Clarence Miller

freedman
as a citizen of

Wisconsin

Nation.

Approved

190

[Signature]

Commissioner

Tested in ...

FILED
COMMISSION TO FIVE TRIBES.

27.15-210.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

Cherokee

Nation,

of *Clarence Miller*, born on the *11th* day of *January*, 1896

Name of Father: *Simon Miller*, a citizen of the *U.S.* Nation.

Name of Mother: *Pora Miller*, a citizen of the *freedom Cherokee* Nation.

Postoffice: *Vinita, Ok.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, *Dora Miller*, on oath state that I am *28*

years of age and a citizen by *adoption*, of the *Cherokee* Nation,

that I am the lawful wife of *Simon Miller*, who is a citizen, by

of the *United States* Nation, that a *male* child was

born to me on *11th* day of *January*, 1896 that said child has been named

Clarence Miller, and was living March 4, 1905.

WITNESSES TO MARK:

Dora Miller
mother

(Must be Two Witnesses) { *Seymour Riddle*
Simon Miller

Subscribed and sworn to before me this *17th* day of *May*, 1905.

John W. Blue
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I

attended on Mrs _____, wife of _____

on the _____ day of _____, 1905, that there was born to her on said date a _____ child, that said child was living March 4, 1905, and is said to have been named _____

WITNESSES TO MARK

(Must be Two Witnesses) {

Subscribed and sworn to before me this _____ day of _____, 1905.

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Jerold Miller, born on the 22nd day of February, 1898
(Here insert name of child)
Name of Father: Simon Miller a citizen of the U.S. Nation
Name of Mother: Dora Miller a citizen of the Cherokee Nation.
Postoffice Vinita, I.D.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Dora Miller, on oath state that I am 28
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Simon Miller, who is a citizen, by
of the United States Nation; that a male child was
(Male or Female)
born to me on 22nd day of February, 1898, that said child has been named
Jerold Miller, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses) }
Myron Riddle
A. J. Miller

Dora Miller
mark.

Subscribed and sworn to before me this 17th day of May, 1905.

Chas. B. Jones
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
DISTRICT. }

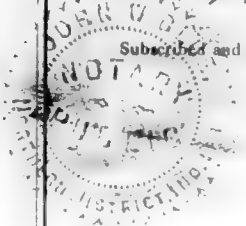
I, _____, on oath state that I
attended on Mrs. _____, wife of _____,
on the _____ day of _____, 1905, that there was born to her on said date a
(Male or Female)
child, that said child was living March 4, 1905, and is said to have been named _____.

WITNESSES TO MARK

(Must be Two Witnesses) }

Subscribed and sworn to before me this _____ day of _____, 1905.

Notary Public



Cherokee Freedman D-210.
Cherokee Freedman D-403.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DORA MILLER ET AL., as Cherokee Freedmen.

APPEARANCES:

For Applicants, J. J. Bulger.

For Cherokee Nation, J. S. Davenport, W. W. Hastings.

It appears from the records of this office that on November 3, 1905, the applicants, their attorney, and the attorneys for the Cherokee Nation were duly notified by letter that they would be permitted to appear before this office and introduce further testimony in this case, at which time the following proceedings were had:

DORA MILLER, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Dora Miller.
Q Are you an applicant for enrollment as a Cherokee freedman?
A Yes sir.
Q Have you appeared before the Commission before this application?
A Yes sir.
Q I have a letter here addressed to you written by Commissioner Bixby requesting you to appear before the Commission and introduce testimony as to whether or not you were born prior or subsequent to the date of your mother's departure from the Cherokee Nation, have you any witnesses or do you know of any witnesses that knows exactly where you were born? A No sir, I don't, my aunt that knew she is dead.
Q You may tell what you know about, what you have heard about it?
A My aunt said I was born in the Cherokee Nation, the next year after they started from Fort Gibson.
Q What was your father's name? A William Richardson.
Q Your mother's name? A Carrie Richardson.
Q What is the name of your grand mother, your mother's mother?
A Winnie Ratliff.
Q Was Winnie Ratliff a Cherokee freedman? A Yes sir.
Q Is she identified upon any of the rolls of the Cherokee Nation?
A Yes sir.
Q Do you know what roll? A She is on all of them.
Q Is she on the 1880 roll? A Yes sir.
Q Have you a brother, Dora? A Yes sir.
Q What is your brother's name? A Will Richardson.
Q Is he older or younger than you? A Younger.
Q How much? A I am a year and a half older.
Q Do you know where he was born? A No sir, I don't.
Q Where were you when you can first recollect, can you remember?
A Fort Gibson.
Q Do you remember your mother? A No sir, I don't.

- Q Did she die when you were young? A Yes sir, she got killed.
- Q How old were you when she got killed? A I don't know exactly I guess I was going on about two years old.
- Q Who raised you after that? A Polly Lee.
- Q Who is she? A My aunt.
- Q Was she a citizen of the Cherokee Nation? A Yes sir.
- Q Is she recognized on the rolls of the Cherokee Nation? A Yes sir.
- Q How long did you live with Polly Lee, until you were how old?
- A My mother got killed and as soon as that my aunt come and got me and I lived with her until I was 17 years old.
- Q Is she identified on the 1880 roll of Cherokee citizens? A I think she is, I am not sure.
- Q Are you a resident of the Cherokee Nation now? A Yes sir.
- Q Were you a resident of the Cherokee Nation prior to June 28, 1898?
- A Yes sir.
- Q Have you ever gone out of the Cherokee Nation with your effects and become a citizen of any other nation by naturalization? A No sir.

BY MR. DAVENPORT:

- Q How old are you now? A I don't know exactly how old I am, I suppose I am about 28 years old.
- Q Your mother died in Texas did she? A Yes sir.
- Q Do you know at what point? A No sir, I don't, because I was too little to know.
- Q Your father and your mother went to Texas with the soldiers, did they not, or do you know anything about it? A I only know what I have been told.
- Q You understood they went to Texas with the soldiers? A Yes sir, he was a soldier.
- Q Did your father die in Texas? A He is not dead as I know of, he wasn't six years ago.
- Q Where was he living the last time you heard from him? A Down below Coleman, Texas.
- Q Do you know anything about Fort Richardson, Texas, or Fort Griffin?
- A No sir.
- Q Do you remember anything about Fort Concho? A No sir.
- Q Do you remember when your brother Will was born? A No sir, I don't.
- Q How long did you stay in Texas before you came back to the Territory after your mother's death? A I don't know how long my mother had been killed before my aunt brought us back, it wasn't long because I was yet a little bit of a girl.
- Q How old were you when you came to the Cherokee Nation after your mother's death? A I don't know that.
- Q You were a girl large enough to remember your aunt coming after you? A No sir, I don't remember when she came when I remember my aunt she had me and my brother at Fort Gibson. I don't know whether she come after me or somebody else, I couldn't say.
- Q With whom did you first live after you came from Texas to the Cherokee Nation? A With my aunt at Fort Gibson.
- Q That was Polly Lee? A Yes sir.
- Q How long did you live with her? A Until I was 17 years old.
- Q When did you leave your aunt at Fort Gibson? A I left my aunt here in Muskogee.
- Q How long ago? A It has been a good while ago.
- Q About how long? A I was 17 years old.
- Q How long ago has that been since you left your aunt, Polly Lee? A Well I don't know, because she has been dead three years and a half.

- Q Did you live with her up until the time of her death? A No sir.
- Q How long had you been away from her home when she died? A I guess about four years.
- Q That would make then about 7 years since you left your Aunt Polly Lee's house? A Yes sir, I guess so.
- Q Where have you been living since that time? A Sometimes in Muskogee, and sometimes Fort Gibson and sometime Vinita, never had no certain place to live.
- Q I will ask you if the first time you ever came to your Aunt Polly Lee's, it was in 1896 during the Kern-Clifton enrollment? A When I come to my aunt?
- Q Yes? A I guess it was.
- Q Have you ever had a home in the Cherokee Nation from the time you can remember up to the year the Kern-Clifton roll was being made?
- A I lived here with Winnie Ratliff at Vinita.
- Q What years did you live there with Winnie Ratliff? A I don't know the years but I know I lived there with her.
- Q Was that after you were a great big girl or not? A I was a pretty good size I guess.
- Q Can't you remember what year it was? A No sir, I never tried to keep any account of the years until just these late years.
- Q How long since Winnie Ratliff left Vinita? A She has been dead 13 years.
- Q How long did you live with Winnie Ratliff? A I guess ever since I was about four and a half years old.
- Q When was it you lived with Polly Lee? A Polly Lee raised me, and after she come from Vinita, she come back to Muskogee, and I lived with my grand mother at Vinita.
- Q Where was your brother living, Will Richardson? A I don't know sometime in Spavinaw with his wife.
- Q When you can first remember? A Aunt Polly Lee had the charge of both of us.
- Q Where were you living when he lived in the house with Aunt Polly?
- A In that house back of Spence Stevens old place.
- Q What part of the Nation was that? A Cherokee Nation, Vinita.
- Q On the east side of the Katy track there? A Yes sir.
- Q How long did Will and you live there? A Until grandmother moved.
- Q How many years? A I don't know how many years it was.
- Q How large were you and Will when you went there? A We were little bit of tads.
- Q Who were your nearest neighbors when you lived there back of Spence Stevens? A Spence Stevens was one of our neighbors.
- Q Where did Mrs. Daniels live at that time? A She lived there.
- Q How near to you? A Not very far.
- Q Which way did she live from you? A Which way?
- Q Was it north, east, south, or west? A On the east side.
- Q Of where you lived? A Yes sir.
- Q What direction was the Spence Stevens house from where you lived? A Right across the alley.
- Q What direction? A West.
- Q Now you can't tell me what year you lived there at Vinita with your aunt or grandmother? A No sir, I can't, I don't know.
- Q Did you ever live there before the Kern-Clifton roll was made?
- A Yes sir, came there before 1880 and lived there until after my grand other died, then I come to Muskogee.
- Q What time was it you left there and came to Muskogee? A I don't know what year it was, we left there in the spring after my grand mother died in the winter.
- Q What year did she die? A Along about 1891, I think, something like that.

- Q Where was Lucian Buffington living there? A In that white house right there this side of Swain's old store.
- Q Will he probably know what time you lived there? A I guess he did, I cooked the first meal him and Nan Buffington ate after they were married.

ON BEHALF OF THE COMMISSIONER:

- Q You say you were born while your mother was on the road to Texas? A Yes sir.
- Q Did she go straight on from there to Texas? A No sir, they camped a couple of days until after she got better.
- Q Then did they go straight on to Texas? A I think so, I don't know.
- Q Did your mother live in Texas continuously from the time she arrived there until the time of her death? A I don't know that there.
- Q Do you know about how long it took her to go to Texas? A No sir, I don't.
- Q Were you travelling over land? A Yes sir.
- Q Is it your understanding that you went straight on through? A No sir, my aunt said they camped awhile.
- Q Outside of that two days? A I didn't say two days, I said they camped until she better, I don't know how long it was.
- Q Is it your understanding that she lived in Texas from the time she got there until she died? A Yes sir, there is where she got killed.
- Q How much older did you say you were than Will? A One year and a half older.
- Q Of the records show that he is about 7 years older than you is that a mistake? A Yes sir, it is.
- Q Where was Will born? A I don't know where Will was born.
- Q Where is it your understanding that Will was born? A In Texas.
- Q Did he come back to the Cherokee Nation when you did? A Yes sir.
- Q Do you know about how old you were then? A I guess he was about, I don't know whether he was a year old or not, he wasn't walking when she brought him back.
- Q Can you remember it? A No sir.
- Q Is Will's post office Grove? A Yes sir.
- Q Your post office is what? A Vinita.

BY MR. BULGER:

- Q What occupation did your father have, do you know? A He was with the soldiers, that is all I know.
- Q Was he a soldier? A Yes sir.
- Q Was he taken as a soldier from Fort Gibson to Texas? A Yes sir.
- Q Did he remain a soldier until after your mother was killed? A The last account I had of him he was still a soldier.
- Q Now awhile ago you mentioned something about living with Aunt Winnie Ratliff, your grand mother? A Yes sir, we all lived in the same house together, that was her daughter.
- Q Polly Lee was Winnie Ratliff's daughter? A Yes sir.
- Q Polly Lee had the superintendency of you? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Has Will an attorney? A I don't know whether he has or not.
- Q Do you desire Louis T. Brown to represent you any more? A No sir, I guess Mr. Bulger and them ~~xxx~~ has my case.

Copies of this testimony will be filed with and made a part of the record in the matter of the application for the enrollment of William Richardson, C. F. D. 403.

WITNESS EXCUSED.

THOMAS R. GRAVES, being first duly sworn, testified as follows:

BY MR. DAVE PORT:

- Q What is your name? A Thomas R. Graves.
Q What is your post office? A Muskogee.
Q How old are you? A 55 years old.
Q How long have you lived in Muskogee? A Been about 7 or 8 years.
Q Did you ever live at Fort Gibson? A Yes sir.
Q About what year? A The last time I went back there I think it was in '87 I think it was.
Q Except then at that time had you ever lived at Fort Gibson? A I soldiered there.
Q What years did you soldier there? A '72 and '73.
Q During that time and then after or about that time did you get acquainted with a colored man named William Richardson? A Yes sir he was sergeant in my regiment.
Q Do you know whether or not he had a wife? A Yes sir.
Q Do you know what her name was? A Carrie.
Q When you left Fort Gibson did William Richardson and his wife remain at Fort Gibson? A No sir. I left there in February, 1873, I think they all left there about the same time.
Q Where did you go? A To Fort Sill.
Q Did you see William Richardson and his wife at Fort Sill after you got there? A Yes sir, I think I can remember, I most forgot, but it seems to me that after I left Fort Sill I went to Fort Richardson.
Q Where is that? A In Texas.
Q After you got there did you see William Richardson and his wife? A I saw them at Fort Griffin.
Q How far was Fort Richardson from Fort Griffin? A About 70 some odd miles I think.
Q How long had it been from the time you left Fort Gibson until you saw them at Fort Griffin? A I think it was in '74.
Q And you had left Fort Gibson in 1873? A Yes sir.
Q Now when you left Fort Gibson in 1873, do you know whether or not they had any children born to them at that time? A No sir, I don't think they did.
Q Did they have any children when you first saw them at Fort Griffin? A Yes sir.
Q How many do you know? A I think they had two.
Q How long did they stay at Fort Griffin, Texas, if you know? A I think the company was ordered there somewhere along the last part of April from Fort Griffin to Fort Concho.
Q Now you said awhile ago you thought they had two children born when you saw them at Fort Griffin, do you know for certain whether they had two children born, you had seen them in 1873 and it was 1874? A I am not positive but I think one of them was born at Fort Sill and the other at Fort Griffin, I am not positive, one was born at Fort Griffin.
Q They lived at Fort Sill and then they went to Fort Griffin? A They went from Gibson to Fort Sill and from there to Fort Griffin.
Q Where was Fort Sill at that time? A It was called in the Territory then, that is all I know.
Q Do you know what became of William Richardson and his wife? A No sir, all I know his wife died from the effects of a lick she got there at Fort Concho.
Q Lick from what? A By a fellow who robbed her there one night, she had a bed right side of the tent what she stayed in close up to the tent, he come and robbed the tent and struck her with the axe.

- Q Were you at Fort Concho at that time? A Yes sir, I was there at the time they arrested the man and brought him back.
- Q You were there, were you? A Yes sir, wasn't in the detail that went after him. They arrested him about 12 or 13 miles from Fort Sill toward Fort San Antonio.
- Q And Carrie Richardson then died at Fort Concho? A Yes sir, she died. I got discharged in '75 and I left there and her sister told me after that when she come there at Fort Gibson and brought these two children there with her, she told me Carrie died from the effects of that lick.
- Q Where is the father now, do you know? A No sir, I don't know where he is, we haven't seen him since '75.

BY MR. DISTRICT:

- Q You testified in this case on the 23rd day of May, 1902, didn't you? A Yes sir.
- Q Your testimony is quite extensive at that time, and at that time you said I was the man that arrested the man myself, you didn't say that? A No sir, I never made any such statement as that because I know I didn't do it. No sir, that is wrong.
- Q I will read this to you and see if it is true: "Q You were there when she was struck? A Yes sir, I was the man that arrested the man myself." A No sir, that last part is wrong, I never arrested him. I was there when she was struck, went down there that night, she was struck and saw her about ten minutes after she was struck.
- Q What year was this in? A '75, I am not sure now but I think it was '75.
- Q You say you knew these people at Fort Gibson before you went to Texas? A Yes sir, I knew Carrie well, she used to wait for me when I was in the company.
- Q You and Richardson were in the same regiment? A Yes sir, same regiment, but not the same company.
- Q Where was Richardson's home? A I don't know.
- Q You say both of your companies were detailed to go to Texas? A No sir, I left F Company at Fort Sill and my company was ordered to Fort Richardson.
- Q Let's get at it from Fort Gibson. Your company was ordered from Fort Gibson to Fort Sill? A Yes sir.
- Q In what year? A In February, 1874, we left Fort Gibson.
- Q When was Richardson's company ordered from Fort Gibson? A If I ain't mistaken in May or June.
- Q What year? A Same year.
- Q 1874? A '74, '73 from Gibson.
- Q You were ordered from Gibson in 1873? A You understand me right, I said I left Fort Gibson in February, '73, went back to Sill and we left Fort Sill in '74 and went to Fort Richardson.
- Q Now your company, you were not in the same company with Richardson? A No sir, first I was in the band, then I was transferred from the band to L Company.
- Q Now did Richardson's company and your company go in the same detail from Fort Gibson to Sill? A No sir.
- Q Did you go first or afterwards? A First.
- Q How long after you got to Fort Sill did you see Richardson, if at all? A I never saw him until they passed through Fort Richardson going from Fort Sill to Fort Griffin.
- Q You went directly from Fort Gibson to Sill? A Yes sir, and from Sill to Richardson.
- Q Did Richardson's company ever come to Fort Sill, you say your company left Fort Gibson in February, 1873 and went to Fort Sill, then after that sometime Richardson's company left Fort Gibson and went by Fort Sill to Fort Richardson? A Yes sir, and then stopped at Fort Richardson and camped there a day or two and

went right on to Fort Griffin.

- Q What year was that? A That was in '74, if I mistake not, of course these things I have to rinder study over them.
- Q Then Richardson's company went from Fort Griffin to Fort Concho?
- A Yes sir.
- Q They were there in 1875? A Yes sir.
- Q And in 1875 Mrs. Richardson was struck with an ax and died from the effects of it? A Yes sir, they said she died from the effects of it, I know she was hit.
- Q How many children did she have then of her own? A Two.
- Q What were they? A A boy and girl.
- Q Which one was the older? A Carrie was the older, not Carrie but Dora.
- Q Then if you said in this testimony of May, 1902, that Will was the older, of the two, you were mistaken, were you? A I didn't say it, you must have read that wrong, I know Dora was born first, I am sure of that.
- Q In your testimony of May 23, 1902, you testified as follows: "Q What was the first child's name? A Willie." "Q What year was it born? A Will was born if I am not mistaken it was either 1 in I think it was '74, wont say positive but I think it was '74." "Q What year was the next child born in? A If I am not mistaken I think the next child was born along about the latter part of '76." A Everything is right except that of Dora.
- Q You think it is a mistake? A I know it is a mistake.
- Q "Q Well you are as positive about that as you are about anything else you have testified to? A Well I tried to tell the truth as near as I can." If you testified that you think it is a mistake?
- A It is in regard to the ages, because Dora is the oldest.
- Q Were there any children born to Mrs. Richardson after she was hit with this ax? A Not as I know of, because I left from there in '75.
- Q She was hit before you left? A Yes sir, because I seed her after she was hit.
- Q Do you know where Dora Miller was born? A In Fort Sill.
- Q What year? A I don't know exactly what year, it must have been in '74, if I mistake not as near as I can recollect.
- Q And she is the older of the two children, and the other was born before 1875? A One was born at Fort Griffin, I was at Fort Richardson then.
- Q You say Richardson and his wife left Fort Gibson in '73 sometime in 1873? A Yes sir.
- Q After you had left it? A Yes sir, I left in February.
- Q They went directly from Fort Gibson to Fort Richardson? A To Fort Sill.
- Q Did they stop at Fort Sill? A Stopped there awhile, I don't know exactly how long, not over a day or so.
- Q And from there went where? A To Fort Richardson and stopped there awhile and then on to Fort Griffin, they were ordered from Sill to Griffin to take quarters there, we got ordered to Fort Richardson.
- Q How long does it take to go from Fort Gibson to Fort Sill, an army? A I think we made it, if I aint mistaken in I think we made it in a little over two days, maybe three, days, I know they made two camps after we left Fort Sill, we went in on the third da .
- Q Then you mean to testify that this man Richardson and his wife left Fort Gibson a short time after you left in 1873, went to Fort Sill, camped a few days, and Dora was born in Fort Sill in the year 1874? A Yes sir, somewhere along there, of course, I can't recollect all of these things but I am almost positive Dora was born at Fort Sill.

- Q Were you present when she was born? A No sir, I seen her there shortly afterwards, somewhere along the same year.
- Q Somewhere along the same year? A Yes sir.
- Q You don't know then that she was born in Fort Sill? A Yes sir, I do because I know one thing about it, she didn't have no children when she left Fort Gibson.
- Q How do you know she didn't? A Because wasn't I there.
- Q You first testified your company was detailed to go to Sill first? A Didn't I know her before she was married.
- Q Don't you know that there was time for a child to have been born from the time you left there until the time she left there? A I know, I am satisfied she was born at Fort Sill.
- Q You May 23, 1902, you were satisfied that you were the man that arrested this fellow that killed Mrs. Richardson? A No sir, I didn't make no such statement.
- Q You May 23, 1902, you were positive that Will was older of the two children and he was born in 1874? A Never made that statement, couldn't have made that statement because I know Dora is the oldest.
- Q Now these two statements that I have just read to you in regard to what you testified to here in the carbon copy of the testimony given by you on May 23, 1902, and this copy is sworn to be correct by the stenographer who took it, Arthur G. Croninger, who took it, and this is the oath: "Arthur G. Croninger being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof."? A It is a mistake as to the age, I know I never said that.
- Q Do you mean to testify that you know that Dora Richardson was born in Fort Sill? A Yes sir, I am most positive she was born there.
- Q You didn't see her born there? A No sir.
- Q Did you see her the first time that you were there? A She had the child with her when they went through.
- Q About how old did the child appear to be? A I don't know, a baby, may be a month or two old.

BY MR. DAVENPORT:

- Q They passed through what place you mean Fort Richardson, Fort Sill or what? A Passed through Fort Richardson, because that is where I was stationed at.

BY MR. HIGGINS:

- Q You didn't see the child at Fort Sill then? A No sir.
- Q You mean that that child was born after you left Fort Gibson in 1873 and before that company in which Richardson was in reached Fort Richardson? A Yes sir.
- Q You don't know whether she was born in Fort Sill or any other Fort? A I know she wasn't born at Gibson or Fort Richardson or Fort Griffin.
- Q How do you know she wasn't born at Fort Gibson? A Because I am positive she wasn't born there.
- Q You remember you are under oath here, and we want this correct, I am going to stop this ----? A I am going to tell it just like I know.

BY MR. DAVENPORT:

- Q You were present at Fort Concho when the ~~MACE~~ mother of these applicants were struck? A Yes sir.
- Q And you know she had the two children then? A Yes sir.

- Q And you know when she left Fort Gibson she didn't have any children? A Yes sir.
- Q The record shows that you arrested the man, you were present were you, or not, or what? A I seen him aft r he was arrested and brought him back there. He wasn't no soldier, he was a citizen.
- Q And if you testified in that testimony that Will was the oldest it was a mistake? A I didn't testify to that.
- Q Well you might have made the mistake in your testimony? A I know one thing, there was a mistake made.

W I T N E S S E X C U S E D.

The attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision prepared upon the evidence heretofore introduced.

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George H. Lesaley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesaley

Subscribed and sworn to before me this 20th day of November, 1905.

[Signature]
Notary Public.

A.F.M.

Wallace Roll (1889).

Office No.	Wallace No.	Name	Age	Sex	Residence
2841	363	Richardson, Dora	15	F	Tah. Dist
2842	364	" Wm.	11	M	" "

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I hereby certify that the foregoing is a true and correct copy of certain words and figures upon page 136 of the Wallace Roll, and that said roll is in the lawful custody of this office.

Wm. O. Beall
Acting COMMISSIONER

Dated at Muskogee, Indian Territory,
this NOV 22 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DORA MILLER ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, J. J. Bulger.
For Cherokee Nation, J. S. Davenport.

ON BEHALF OF COMMISSIONER:

There is offered on behalf of applicant a motion to rehear her case and the case of her brother, William Richardson, on the ground that a mistake was made in her testimony of November 16, 1905, with reference to the date of her birth.

MR. DAVENPORT:

The representatives of the Cherokee Nation object to the granting of the motion to reopen the case at this time as they do not think there was any mistake made in the record. The testimony was taken and recorded.

ON BEHALF OF THE COMMISSIONER:

In view of the contention as made in the motion the same will be granted and the testimony heard. The motion is filed herewith.

DORA MILLER, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Dora Miller.
- Q What is your post office? A Vinita.
- Q Did you testify in the matter of your application on November 16, 1905? A Yes sir.
- Q The record shows that on ~~that~~ that day in answer to this question, "You may tell what you know about it, what you heard about it," that is meaning about the place of your birth and you answered, "My aunt said I was born in the Cherokee Nation the next year after they started from Fort Gibson," that is the record in your case, did you make that statement? A No sir, I didn't.
- Q What did you say? A I said my aunt and them said I was either born that night or the next morning, they had the camp that night, I don't know what time in the day they started but they had the camp that night.
- Q Are you sure you said day? A Yes sir, I said day.
- Q What causes you to remember you said day instead of year? A Because I wasn't liable to make no such mistake as that.
- Q Were you cross examined by Mr. Davenport in regard to that statement? A He asked me if I said a year or a day and I said day, I didn't say any year.
- Q Did he ask you any more about it? A He wanted to know how long we stayed there and my aunt said 4 or 5 days.
- Q Where? A Down there on Red River somewhere where they camped.

- Q Is not it a fact your aunt said you were born in the Cherokee Nation the next year or next day? A She said the next day.
- BY MR. DAVENPORT:
- Q You were not born as I understand from your information when they left the point they were at in the Cherokee Nation for Fort Griffin, Texas? A I don't know anything about it only what she told me.
- Q Well I say from your information you were not born until after they left what point you were in the Cherokee Nation? A I don't know what point they were in the Cherokee Nation but she said I was born the next day after they left.
- Q Have you ever been informed where your father and mother were living when they started to Texas? A Fort Gibson.
- Q And you were born as you claim your aunt says the next day after they left Fort Gibson? A Either that night or the next morning I don't know exactly.
- Q Well they had started and travelled a day? A I don't know whether they had travelled or not.
- Q They would have had to travel a very short piece of a day to have not gotten out of the Cherokee Nation going toward Texas from Fort Gibson? A I don't know.
- Q You know how far the Cherokee Nation line is from Fort Gibson? A I don't know exactly.
- Q Well it is less than eight miles? A I don't know, I never measured it.
- Q Have you been to Fort Gibson? A Yes sir, once or twice.
- Q How long have you lived in Muskogee? A Once in Muskogee 3 years.
- Q You know about what the distance is from Muskogee to Fort Gibson? A No sir.
- Q Is it 100 miles? A I don't know.
- Q Is it 15 miles? A I don't know.
- Q Is it a mile? A It is more than a mile.
- Q You have been there? A Yes sir, back and forth on the train but I couldn't say how far it is.
- Q You knew Fort Gibson is in the Cherokee Nation? A Yes sir.
- Q You know Muskogee is in the Creek Nation? A Yes sir.
- Q And you know it is 8 miles? A I don't know that.
- Q Have you ever rode from here to Fort Gibson on the train? A Yes sir.
- Q And you paid 25 cent fare? A No sir, I never went on the train.
- Q Have you been over there since you were a grown woman? A No sir, I haven't.
- Q Have you ever been out to the Park on the River that has been built by Muskogee people? A No sir, I haven't.
- Q Do you know where Bacone University is out here northeast of Muskogee? A No sir, I don't know nothing about them.
- Q Have you seen them? A Yes sir.
- Q And you know the line between the Cherokee and Creeks is between here and the river? A Yes sir.
- Q And it is 4 or 5 miles out there? A No sir, I don't know that I never measured it.
- Q You know that it would take a day's travel to go from Fort Gibson going toward Texas to get out of the Cherokee Nation, don't you? A I couldn't say I never travelled it by the day and don't know anything about it.
- Q How long have you been living in the Indian Territory? A Off and on ever since I have been big enough to recollect.
- Q When you were off how long did you stay and when you were on where did you stay? A Here at Muskogee part of the time and at Vinita part of the time.

- Q Where do you live now? A Vinita.
Q How far is it to Vinita? A I don't know.
Q You come down this morning? A I never asked the man how far it is, I told him I wanted to go to Muskogee. When I want to go anywhere I pay the man the money and go on.
Q Do you know whether you are in the Cherokee Nation or Creek Nation? A I am in the Creek Nation.

W I T N E S S E X C U S E D .

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 22nd day of December, 1905.

Edwards Jones
Notary Public.

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QJM

Cherokee Freedmen D 210

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Dora Miller et al., as Cherokee Freedmen.

THE EVIDENCE.

THE RECORD IN THIS CASE SHOWS: That on May 1, 1901
Dora Miller appeared before the Commission to the Five Civilized
Tribes at Vinita, Indian Territory, and made application for the
enrollment of herself and minor children, Vine, Clarence, Jerald
and Willie Miller, as Cherokee freedmen. Further proceedings
in the matter of said application were held at Muskogee, Indian
Territory, on May 23, 1902, and November 16 and December 21, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That on February 11, 1867,
one Carrie Richardson, nee Ratcliffe, since deceased, was a bona
fide domiciled freedman citizen of the Cherokee Nation, and in
the absence of proof to the contrary it will be presumed that she
retained such citizenship till her death, which occurred in Texas
during the latter 70's. Mitchell v. U. S. 22 L. Ed. 584. Cornis
v. Gilmer, 32 Id. 690.

The evidence further shows that the principal appli-
cant, Dora Miller, is the daughter of the said Carrie Richardson,
deceased, was born about 1875, and from 1880 till September 1,
1902, continuously resided within the domain of the Five Civil-
ized Tribes; and that the minor applicants herein are children
of the applicant Dora Miller, were born since 1890, and the three
first above named have continuously lived with their mother since
birth.

The evidence further shows that the minor applicant,
Willie Miller, died on June 17, 1901.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Dora Miller, Vine Miller, Clarence Miller and Jerald Miller, are entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly granted. And that, under the provisions of Section Twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), the application for the enrollment of Willie Miller should be, and the same is, hereby dismissed.



Commissioner

Dated at Muskogee, Indian Territory,

this JUN 1 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dora Miller, et al., as Cherokee freedmen.

APPEAL.

Comes now the Cherokee Nation and respectfully dissents from that part of the decision of the Commissioner to the Five Civilized Tribes dated June 1, 1906, enrolling Dora Miller as a freedman citizen of the Cherokee Nation, and asks that all of the records in this case be forwarded to the Secretary of the Interior for review.

There is but little conflict in the testimony in this case and that is not material. As we think, it is only a question of law to be determined.

The testimony all shows that Dora Miller, when she appeared before the commission on May 8, 1901, gave her age as 23, which would have made her been born about the year 1878. On November 16, 1905, in answer to the first question propounded to her upon cross-examination the applicant testified that she was about 26 years old, so that it is clearly apparent that she was born in 1877 or in 1878. Her father was a citizen of the United States and temporarily located with a company of soldiers at Fort Gibson, Indian Territory when he married the mother of Dora Miller, and the testimony shows that at the time of their marriage that Dora Miller's mother was a citizen and resident of the Cherokee Nation. The exact date of their marriage is not definitely shown, but all of the witnesses agree that it was only a few years after the war, Arch Landrum putting it two or three years, and others stating it a very short time. The most definite information we have as to the date of the marriage was by T. R. Graves, who was also a soldier stationed at Fort Gibson at the time, and he says that he left Fort Gibson in February, 1873, and that the parents of Dora Miller were married before he left, and in the absence of more definite testimony we think that we are safe in saying that the proof shows that they were married in 1872. The testimony further shows that a very short time after they married they left Fort Gibson, Indian Territory, and went to Fort Sill, remaining there a short time, when they went to other points in Texas. It will be noted during all of the first testimony that none of the witnesses on behalf of applicants were prepared to say that Dora Miller was born in the Cherokee Nation, and in fact they say they do not know where she was born. Later on, when the applicant thinks it a material point, she attempts to testify that she was born, so she was informed, by her aunt, the first evening after her parents had left Fort Gibson. Even if that be true she was not born in the Cherokee Nation, because the Cherokee line extends less than four miles west of Fort Gibson. But we think the testimony of T. R. Graves, considered with the age given by the applicant when she appeared both times before the Commission, shows that she was born after they had left Fort Gibson some little time.

Our contention is that the applicant's father, William Richardson, was a citizen of the United States and was never a citizen of the Cherokee Nation and was never a legal resident of the Cherokee Nation. The fact that he was stationed as a soldier at Fort Gibson in the Cherokee Nation for a short time did not change his legal domicile, and his legal residence yet remained in the states where he enlisted as a soldier. This, we take it, will not be controverted. This being true, our next

contention is that when Carrie Richardson, the mother of the applicant, married William Richardson and left Fort Gibson the her residence followed that of the husband. She left nothing at Fort Gibson, no property of any kind, and her husband's legal residence was her legal residence, and we do not want the fact lost sight of that our contention is that applicant's father never had a legal residence in the Cherokee Nation. It has been decided by the Department in a number of cases that the residence of the wife follows that of the husband. Our next contention is that the residence of the child is that of the father, and the father being a citizen of the United States, and his legal residence being there, and not in the Cherokee Nation, that the applicant was born to his allegiance. In the case of Julia A. Moore, the Assistant Attorney General held (I.T.D. 92-1904, on March 12, 1904, "They (referring to the minor children) were born after that act, of a white non-citizen father, in a different allegiance, and under the law of the place of their birth took the allegiance of the father. Ex parte Reynolds (5 Dill., U. S. 394)."

By an investigation of the case cited by the Assistant Attorney General it will be seen that the Court held: That the status of the child is that of the father; that the rule of the common law and of the Roman Civil Law, as well as of the law of Nations prevails in determining the status of the child in such case. This case is quoted at length in the United States versus Ward (42 Federal reporter, page 320) and part of this last case is strikingly similar to the one under consideration. The mother of the child was a Indian living upon a Reservation; the father was a negro, a citizen of the United States, who married the Indian woman and took her to Los Angeles, California, where the child was born, and subsequently the child returned to the Reservation. The Court held that the citizenship of the child followed that of the father and quoted at length a part of the decision of the Court in Ex parte Reynolds.

We respectfully submit therefore that in our judgment the Commissioner to the Five Civilized Tribes erred in not holding that the father of the applicant was a citizen of the United States and never became a citizen of the Cherokee Nation.

Second, That the mother of the applicant lost her citizenship in the Cherokee Nation when she married her husband and left the Cherokee Nation.

Third, That the citizenship of the child followed that of the father. In conclusion we desire to call attention to the fact that from the testimony of the applicant herself it is shown that her father is still alive and continues to reside in the State of Texas, and was living there when last heard from, as she testified, some six years ago. If it could be successfully contended that the residence of the child followed that of the mother, certainly upon the death of the mother in Texas the residence of the child could be nothing else than that of the father and his never having legally been in the Cherokee Nation, then the child had not. The testimony is not very clear as to just when the applicant returned to the Cherokee Nation, but from the best proof we think it is shown that she returned about the time when the Wallace roll was being made in 1889. Now it is true that this roll shows this applicant to be about 15 years of age, but then her age was given by relatives and was certainly guess work and there is no evidence that the children were present at the time their ages were given. To show it is guess work, her brother's age as given as being four years younger, whereas Dora swears that she is only a year and a half older than William, her brother, and if you add a year and a half to 11, making it 12 1/2, and deduct that from 89, it would make her be born about the year 1877, not far from the time she swears she was born on both occasions when she testified as to her age before the Commission, because in the spring of 1901 she testified that she was 23 years old, and in the fall of 1905 she testified that she

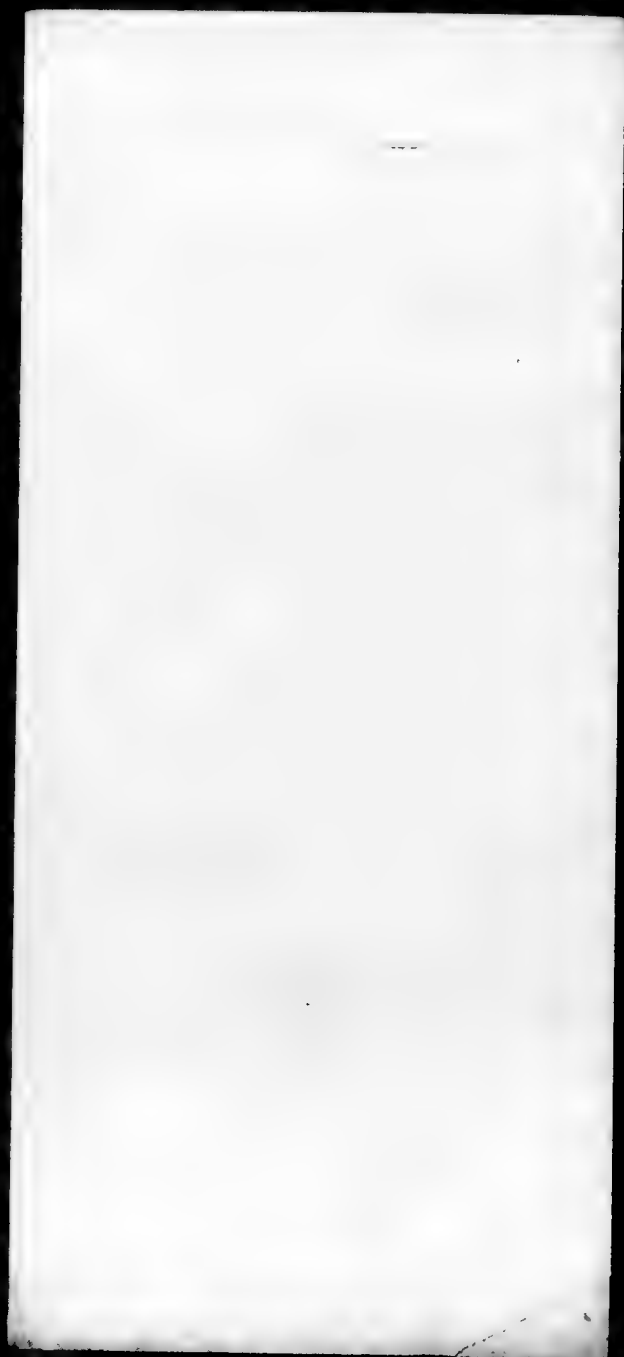
was about 28 years old, and when questioned she testifies positively that she is only about a year and a half older than her brother William. We think, therefore, that we are justified in saying that the testimony shows with reasonable certainty that Pora Miller was born about the year 1877, and if that be true they had left the Cherokee Nation some three or four years before.

For the reasons hereinabove set forth we respectfully submit that the applicant is entitled to be enrolled as a freedman citizen of the Cherokee Nation.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Dora Miller,
Vinita, I.T.
Cherokee F-D-210
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedman
D-210.

Muskogee, Indian Territory, February 27, 1905.

Dora Miller,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 19, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in the matter of your application for enrollment as a Cherokee freedman. You are further advised that this matter will be taken up in the near future and when a decision has been prepared you will be furnished with a copy.

Respectfully,

SIGNED. *Tams Bixby.* Chairman
Commissioner in Charge.

Cherokee Freedmen
D 210

Muskogee, Indian Territory, May 2, 1905.

Mrs. Dora Miller,
Vinita, Indian Territory,

Dear Madam:

Inclosed find blank birth affidavits for your three living children, Vine, Clarence and Jerald Miller, which you will please have properly executed and forward to the Commission at Muskogee, Indian Territory, at your earliest convenience.

Respectfully,

Incl. 3 B.A.
B-9.

Chairman

Cherokee Freedmen

D-210.

Muskogee, Indian Territory, May 3, 1905.

Mrs. Dor. Miller,

Vinita, Indian Territory.

Dear Madam:

On your appearance before the Commission at Vinita, Indian Territory, on May 8, 1901, you testified that you had a record of your mother's death, giving an age and date of death and the name of her father.

If you still have this record in your possession it is respectfully requested that you forward the same to the Commission at Muskogee, Indian Territory, and, after making a copy of said record, it will be returned to you.

Respectfully,

Chairman.

(C O P Y)

DEPARTMENT OF JUSTICE
OFFICE OF
UNITED STATES COMMISSIONER,
NORTHERN DISTRICT OF INDIAN TERRITORY,
VINITA, IND. TER.

May 10th, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

Reference, Cherokee Freedman, D 210.

I am in receipt of your letter of May 3rd requesting me to send the records of my mothers death as I testified before you on May 8th 1901 that I had the records of her death.

I am sorry to say since that time all of my effects including this record have been destroyed by fire and it is impossible for me to furnish the record now.

Yours truly,

W. B. Stanfield.

(Signed)

DOVA

her

X

MILLER

mark

COPY.

Cherokee Freedmen

D-210.

Muskogee, Indian Territory, May 26, 1905.

Dora Miller,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 18, 1905, inclosing affidavits executed on May 17, 1905, showing the births, on January 22, 1894, January 11, 1896 and February 22, 1898, of Vine, Clarence and Jerold Miller, respectively, minor children of yourself and Simon Miller. Same being in due form will be filed with and made a part of the record in this case.

Respectfully,

Y. C.
Chairman.

Cherokee Freedmen

D-210.

Muskogee, Indian Territory, October 20, 1905.

Dora Miller,

Vinita, Indian Territory.

Dear Madam:

In connection with your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that for a decision to be rendered in your case it will be necessary that further testimony be introduced as to whether or not you were born prior or subsequent to the date of your mother's departure from the Cherokee Nation.

You are, therefore, hereby directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 2, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

IS
Register

Commissioner.

Charles F. Brown

B-210.

Muskogee, Indian Territory, October 20, 1906.

Louis T. Brown,

Attorney for Nora Miller, et al.,
Muskogee, Indian Territory.

Dear Sir:

In connection with the application of Nora Miller for the enrollment of herself and children as Cherokee freedmen, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced as to whether or not the principal applicant was born prior or subsequent to the date of her mother's departure from the Cherokee Nation.

The said Nora Miller has since been notified to appear before the office of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 1, 1906, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

D-210.

Muskogee, Indian Territory, October 20, 1905.

Fell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the application of Bern Miller for the enrollment of herself and children as Cherokee freedmen, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced as to whether or not the principal applicant was born prior or subsequent to the date of her mother's departure from the Cherokee Nation.

The said Bern Miller has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 2, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

W. H. H. H.

Commissioner.

LS

Cherokee Freedmen

D-210.

COPY.

Muskogee, Indian Territory, November 3, 1905.

Dora Miller,

Vinita, Indian Territory.

Dear Madam:

On October 20, 1905, you were advised that your Cherokee freedmen enrollment case would be taken up for hearing at nine o'clock A. M., on Thursday, November 2, 1905, at which time you were directed to appear before the offices of the Commissioner to the Five Civilized Tribes for the purpose of introducing further testimony in your case. You failed to appear, and you are hereby notified that you will again be given an opportunity to introduce testimony as indicated in this office's letter of October 20, at nine o'clock A. M. on Thursday, November 16, 1905.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in your case.

Respectfully,

LS
Register

James Hixby
Commissioner.

Cherokee Freedmen

COPY.

D-210.

Muskogee, Indian Territory, November 3, 1905.

Louis T. Brown,

Attorney for Pora Miller,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Cherokee freedmen enrollment case of Pora Miller has again been set for hearing at nine o'clock A. M., on Thursday, November 16, 1905, and the applicant has this day been notified that she will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes on that day and introduce further testimony in her case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

LS

Commissioner.

D-210, -103.

Muskogee, Indian Territory, November 3, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Cherokee Nation in-
terests in cases of Tom Wimer and William Richardson have been
heard for hearing at Muskogee, Okla., on Thursday, November
16, 1905, and the applicants have this day been notified that they
will be permitted to appear before the office of the Commissioner
to the Five Civilized Tribes on that day and introduce further
testimony in said cases.

The Cherokee Nation will also be permitted to appear
on that date and introduce such testimony as it deems in these
cases.

Respectfully,

18

Commissioner.

Muskogee, Indian Territory, November 23, 1905

Thomas R. Graves,

Muskogee, Indian Territory.

Dear Sir:

Will you kindly call at the offices of the Commissioner to the Five Civilized Tribes, Cherokee Enrollment Division, Muskogee, Indian Territory, at your earliest convenience. This request is made for the purpose of identifying the number of the Regiment stationed at Fort Gibson, Indian Territory, to which the Companies that you and William Richardson were members of in 1873, belonged.

Respectfully

Acting Commissioner.

T. B.

Cherokee D-210.

COPY.

Muskogee, Indian Territory, November 27, 1905.

J. J. Bulger,

Attorney for Dora Miller, et al.,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings of November 16, 1905, in the matter of the application for the enrollment as Cherokee freedmen of Dora Miller, et al.

There is also inclosed herewith a copy of an order of the Acting Commissioner to the Five Civilized Tribes making certain words and figures found on the Wallace roll of Cherokee freedmen a part of the record in said case.

Respectfully,

SIGNED.

W. L. Rodgers
Acting Commissioner.

Incl. S-186

Cherokee D-210.

COPY

Muskogee, Indian Territory, November 27, 1905.

Hell, Hastings & Ravenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings of November 16, 1905, in the matter of the application for the enrollment as Cherokee freedmen, of Dor. Miller, et al.

There is also inclosed herewith a copy of an order of the Acting Commissioner to the Five Civilized Tribes, making certain words and figures found on the Wallace roll of Cherokee freedmen a part of the record in said case.

Respectfully,

SIGNED.

Geo. W. Hodges
Acting Commissioner.

Incl. S-187

Cherokee Freedmen

D-210.

copy.

Muskogee, Indian Territory, December 6, 1905.

J. J. Miller,

Attorney for Dora Miller, et al.,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of November 29, stating that there is apparently an error in the transcript of the proceedings had before this office on November 16, 1905, in the matter of the application for the enrollment of Dora Miller, et al., as Cherokee freedmen. You state that the answer of the witness shown in said transcript, "My Aunt said I was born in the Cherokee Nation the next year" etc., should read "My Aunt said I was born in the Cherokee Nation the next day", etc.

In reply, you are advised that an examination of the notes of the stenographer who recorded the testimony referred to, shows that the answer given by the witness first above quoted has been transcribed as the same was recorded.

Respectfully,

SIGNED,

J. M. B. C.
Acting Commissioner.

LS

Cherokee
F D 210 et al.

Muskogee, Indian Territory, January 3, 1906.

J. J. Bulger,

Attorney for Dora Miller et al.,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings of December 21, 1905, in the matter of the application for the enrollment of Dora Miller et al., as Cherokee freedmen.

Respectfully,

Incl. GL-54.
GHL

Commissioner.

Cherokee
F D 210 et al.

Muskogee, Indian Territory, January 3, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony of December 21, 1905, in the matter of the application for the enrollment of Dora Miller, et al., Cherokee freedman D 210 et al. There is also inclosed a copy of supplemental testimony of December 7, 1905, in the matter of the application for the enrollment of John W. Lawrence et al., Cherokee D 1628 et al.

Respectfully,

Incl. GL-53.
GHL

Commissioner.

Cherokee Freedmen

D-210, D-405.

Muskogee, Indian Territory, February 2, 1906.

Thomas R. Graves,

Muskogee, Indian Territory.

Dear Sir:

Referring to testimony given by you on May 23, 1902, before the Commission to the Five Civilized Tribes, and November 16, 1905, before this office, you are requested to advise this office to what Regiment in the United States Army, and the Company thereof, William Richardson, father of Dora Miller and Will Richardson, belonged when he left Fort Gibson and went to Fort Griffin, Texas.

You are also requested to advise the Regiment and Company of the United States Army to which you belonged when you left Fort Gibson and went to Fort Sill, Oklahoma.

As this matter is important, you are directed to give it your immediate attention.

Respectfully,

LS
Register

Acting Commissioner.

D. C. 13264.

J.W.G.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 5478-1906.

April 6, 1906.

LRS

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to your letter of February 10, 1906,
which was forwarded by the Indian Office on March 23, 1906
(Land. 14437-1906), requesting the date of the departure of
Troop F, 10th Regiment of United States Cavalry from Fort
Gibson, Indian Territory, to Fort Griffin, Texas, and of
Troop L, of the same regiment from Fort Gibson, Indian Ter-
ritory, to Fort Sill, Oklahoma, you are advised that the
Department requested said information from the Secretary of
War on March 27, 1906 (I.T.D. 4844-1906), and on March 30,
1906, the Secretary of War transmitted the endorsement of
the Military Secretary, dated March 29, 1906, wherein it
is stated:

It appears from the official records that neither
Troop F nor Troop L, 10th United States Cavalry, was
stationed at Fort Gibson, Indian Territory, at any time
between 1870 and 1875.

The official records show that Troop B, 10th Cavalry, arrived at Fort Gibson, Indian Territory, from Fort Sill, Indian Territory July 5, 1872, and left that post to return to Fort Sill April 21, 1873; and that Troop H, 10th Cavalry, arrived at Fort Gibson, Indian Territory, August 18, 1872, and left for Fort Sill April 21, 1873.

There were no troops stationed at Fort Gibson between September 25, 1871, and July 5, 1872.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Cherokee Freedman
D.210.

Muskogee, Indian Territory, June 1, 1906.

Bell, Hastings and Danveport,
Attorneys, Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 1, 1906, dismissing the application for the enrollment of Willis Miller and granting the application for the enrollment of Dora, Vine, Clarence, and Jerald Miller as Cherokee Freedman.

You are advised that you will be given fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case, a copy of which protest you will be required to furnish the principal applicant.

If you fail to file protest within time allowed, this decision will be considered final.

Respectfully,

Encl. A-13.
M.A.

W. J. DIXBY
Commissioner.

Cherokee Freedman
D 210

Muskogee, Indian Territory, June 8, 1906

Starr and Patten,
Attorneys for Dora Miller,
Vinita, Indian Territory.

Gentlemen:

In reply to your letter of May 28, you are advised that your names have been entered as attorneys for Dora Miller, et al. Cherokee Freedmen D 210, and you will be notified of any further action had in this case.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
D 210

Muskogee, Indian Territory, June 9, 1906

Dora Miller,

Vinita, Indian Territory.

Dear Madam:

You are advised that, in accordance with your request of May 28, 1906, Starr & Patten of Vinita, Indian Territory, have been entered as attorneys for you and those you represent in the matter of your application for enrollment as Cherokee Freedmen.

Respectfully,

LMB

Commissioner

Cherokee Freedmen.
D-210

Muskogee, Indian Territory, June 16, 1906.

Dora Miller,
Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 1, 1906, granting your application for the enrollment of yourself and children, Vine, Clarence and Jerald Miller, and dismissing the application for the enrollment of your child, Willie Miller, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against your enrollment, and the protest, together with the record of proceedings and decision in your case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this Office is informed of the same.

Respectfully,

Commissioner.

INC
Incl. C-24
Register.

Cherokee Freedmen
D-210.

COPY.

Muskogee, Indian Territory, June 18, 1906.

Starr & Patten,

Attorneys for Dora Miller, et al.,
Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 1, 1906, dismissing the application for the enrollment of Willie Miller, and granting the application for the enrollment of Dora, Vine, Clarence and Jerald Miller, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the enrollment of these applicants as Cherokee freedmen, and the protest, together with the record of proceedings and decision in this case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this Office is informed of the same.

Respectfully,

LMC
Incl. C-25

Samuel D. Little
Commissioner.

COPY.

Muskogee, Indian Territory, June 16, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings and in the letter of the application for the enrollment of Rosa Miller, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated June 1, 1906, granting the application for the enrollment of Rosa, Vina, Clarence and Gerald Miller, and dismissing the application for the enrollment of Willie Miller, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the enrollment of these applicants, and its protest is also enclosed herewith.

Respectfully,

(SIGNED).

James Dixey.

Commissioner.

Incl. P-22
1906

Through the Commissioner
of Indian Affairs.

COPY

LAND
52422-1906.
60731-
72814-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

September 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Department letter of July 16, 1906, (I.T.D. 33019-1906), this office transmits herewith for your consideration the record in the Cherokee freedmen enrollment case of Dora Miller, et al; also the decision of the Commissioner to the Five Civilized Tribes, dated June 1, 1906, granting the application for the enrollment of Dora, Vine, Clarence and Gerald Miller, and dismissing the application for the enrollment of Willie Miller, deceased, as a Cherokee freedman.

The record shows that on May , 1901, Dora Miller appeared before the Commission to the Five Civilized Tribes at Vinita, Indian Territory, and made application for the enrollment of herself and minor children, Vine, Clarence, Gerald and Willie Miller as Cherokee freedmen. Further proceedings in the case were had at Muskogee, Indian Territory on May 23, 1902 and November 16th and December 21, 1905.

The evidence shows that on February 11, 1867, one Carrie Richardson, nee Ratcliffe, since deceased, was a bona fide domiciled freedman of the Cherokee Nation; that Dora Miller, the principal

applicant, is the daughter of Carrie Richardson, deceased; that Dora Miller was born about 1875, and since 1880 has continuously lived within the domain of the Five Civilized Tribes, and that the minor applicants herein are children of the applicant, Dora Miller, were born since 1890, and have continuously resided with their mother since, with the exception of Willie Miller who died on June 17, 1901.

The Commissioner to the Five Civilized Tribes on June 1, 1906, decided that in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), Dora Miller, Vine Miller, Clarence Miller and Gerald Miller were entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such were accordingly granted; that under the provisions of Section 25 of the Act of Congress approved July 1, 1902, (34 Stats., 671), the application for the enrollment of Willie Miller, deceased, was dismissed.

This Office concurs in the decision of the Commissioner to the Five Civilized Tribes, and recommends Departmental approval thereof.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

EBM-FE.
incs.

D.C. 54122-1906.

J.F.Jr/

I.T.D. 18684-1906. DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

L.R.S.

December 8, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 16, 1906, you transmitted the record in the matter of the application for the enrollment of Dora Miller and her minor children, Vine, Clarence, Jerald, and Willie (deceased) Miller, as Cherokee freedmen, including your decision dated June 1, 1906, favorable to all the applicants except Willie Miller.

The Cherokee Nation protests against your decision. Reporting September 22, 1906 (Land 72814), the Indian office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner
of Indian Affairs.

1 inc. and 5 to Ind. Of.

Cherokee F.
D. 210.

Muskogee, Indian Territory, December 17, 1906.

Starr & Patten,
Attorneys for Dora Miller,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 1, 1906, granting the application for the enrollment of Dora, Vine, Clarence and Jerald Miller, and dismissing the application for the enrollment of Willie Miller, deceased, as a Cherokee freedman, was affirmed by the Secretary of the Interior December 8, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-72
LMC

Cherokee F.
D. 210.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 1, 1906, granting the application for the enrollment of Dora, Vine, Clarence and Jerald Miller, and dismissing the application for the enrollment of Willie Miller, deceased, as a Cherokee freedman, was affirmed by the Secretary of the Interior, December 8, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. C-73
LNC

Cherokee F.
D. 210.

Muskogee, Indian Territory, December 18, 1906.

Dora Miller,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 1, 1906, granting the application for the enrollment of yourself and children, Vine, Clarence and Jerald Miller, and dismissing the application for the enrollment of Willie Miller, deceased, as a Cherokee freedman, was affirmed by the Secretary of the Interior December 8, 1906.

You are further advised that until the names of your children, Vine, Clarence and Jerald Miller have been included in a schedule of Cherokee freedmen and approved by the Secretary of the Interior no application can be received for the selection of land as allotments in the Cherokee nation for them. You will be advised when their enrollment has been finally approved.

Respectfully,

LMC

Commissioner.

Cherokee Freedmen
1839

Muskogee, Indian Territory, February 6, 1907

Dora Miller,

Vinita, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of January 18, 1907, asking if you can be permitted to select allotments of land in the Cherokee Nation for yourself and children.

In reply you are advised the records of this office show that your name and the names of your children have not yet been placed upon a schedule of Cherokee freedmen, and approved by the Secretary of the Interior. The records seem to show, however, that you are, prima facie, entitled to enrollment, and if this be correct, you will be permitted to appear at any time in the near future and make an application for the selection of allotments of land in the Cherokee Nation for yourself and children, and in the event of your final enrollment the land applied for will be allotted to you.

You will be promptly informed when you are finally enrolled as citizens of the Cherokee Nation.

Respectfully,

L M B

Commissioner

Cher Fr 1540

Trans. from Cher Fr D887

Cher Fr 1540

(C O P Y)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOWATA, I. T., JUNE 26th, 1901.

In the matter of the application of Sam Martin for the enrollment of his wife, Viney and two children as Cherokee freed men, said Martin being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicants
Mr. W. J. Hastings, for Cherokee Nation.

- Q What is your name? A. Sam Martin
Q How old are you? A. I don't know exactly, about 33 or 34 years old.
Q What is your post office address? A. Osceleta
Q Cooweescoowee District? A. Yes, sir
Q Who do you desire to have enrolled besides yourself?
A I am done enrolled but I got two children.
Q You are applying for to children? A. Yes sir; my wife and she has got two children.
Q Where is your wife? A. She has went out here in the country; she has got sick and I had to send her out there.
Q You say you have been enrolled? A. Yes, sir, I enrolled at Vinita.
Q You apply now for the enrollment of your children? A. Yes sir; the two younger ones, I enrolled the two older ones, and she has got two children.
Q Why didn't you apply for your children? A. You told me to get that certificate
Q What is your wife's name? A. Viney
Q Viney what? A. She was Viney Martin; she was Viney Robinson.
Q How old is she? A. I had her name before a little bit wrong; her brother is older than she is; he states that she is about 36 years old.
Q When were you married to Viney Robinson? A. I don't know sir how long it has been.
Q Had she ever been married before? A. Yes, sir
Q Who to? A. Israel Martin
Q How does her name happen to be Viney Robinson when you married her? A. She went by that name; he had went to the pen and she took her first name.
Q She was married to Israel Martin? A. Yes, sir.
Q Her maiden name was Robinson? A. Yes, sir
Q What was her father's name? A. I don't know
Q What was her mother's name? A. Nannie Robinson.
Q Is she living? A. No, sir
Q Is Viney's name on any of the rolls of the Cherokee Nation
A Yes sir.
Q What roll? A. The Kern-Clifton roll and the Wallace roll
Q Not on the roll of 1880? A. No sir.
Q What are the names of those two children you want to enroll?
A Cora Martin.
Q How old is Cora? A. She is about 17 years old.
Q What is the name of the next one? A. Jesse, he is about 14 I guess.
Q Are these children alive? A. Yes, sir
Q Living with you at this time? A. Yes, sir.

BY MR. W.W. HASTINGS:

- Q Where is Israel Martin? A. Over on Big Creek
Q That was your wife's former husband? A. Yes, sir.
Q Hadn't your wife ever been married before that? A. No, sir
Q Hadn't you been married before you married this woman? A. No, sir
Q Was any divorce between Israel Martin and your wife? A. None
no more than the way they generally done when a person married
them times under Cherokee law when a fellow was sent to the pen,
they claim it divorced from his wife.
Q But there was no court divorce? A. No, sir

BY MR. SMITH:

- Q Was this man Israel Martin sent to the penitentiary? A. Yes, sir

W.H. ROBINSON, being first duly sworn by Commissioner
T. B. Needles, testified as follows: BY MR. SMITH:

- Q State your name. A. W. H. Robinson
Q Where do you live Mr. Robinson? A. I live in Dooweescoowee
District, about five miles north of here.
Q Are you the same William H. Robinson who applied before this
Commission at Chelsea? A. Yes, sir
Q Do you know this man upon the stand here, Martin? A. Yes, sir
Q Is he related to you in any way? A. By marriage only
Q What relation? A. Brother-in-law; married a sister of mine.
Q What was her name? A. Melvina Robinson
Q Is she younger or older than you? A. Younger
Q Where does she live? A. She lives now about 25 miles west of
here, Nowata.
Q Has she any children? A. Yes, sir
Q What are their names? A. I don't know as I can call their
names exactly, I think one is called Rose and one Vadie and one
called Caroline and I forget the other one's name
Q Would you know it if you could hear it? A. Yes, sir
Q Well did she have any children, Mr. Robinson, before she married
this man, Martin? A. Yes, sir
Q How many did she have? A. Two.
Q Now you called the names of Rose and Caroline and what other
names did you call? A. Seems to me like her name Vadie
Q Did you know one Patsy? A. She has two younger children, I
don't know their names.
Q Well, do you remember the names of the other; first she had been,
she married this man Martin? A. No, sir, I don't believe I
can call the names, they live quite a ways from me and has ever
since they was born.
Q Is Melvina a full sister of yourself? A. Yes, sir
Q You testified in the case of your brother, John Wesley Robinson,
did you? A. Yes, sir.
Q Do you remember whether you mentioned the name of your sister,
Melvina Martin, in that case? A. Yes, sir.
Q With reference to the time that you came back to the Cherokee
Nation when did Melvina come? A. She come back as we come back
Q What was your father's name? A. Luford Robinson.
Q What was your mother's name? A. Ann Robinson
Q Who are your brothers and sisters? A. Tobe they call him, J.
W. Martin, Margaret, Melvina, Josephine and Mary.
Q Are they all living? A. No, sir
Q Which ones are dead? A. Mary
Q Josephine living? A. Yes, sir
Q What is her name now? A. Josephine Martin
Q And the other one you mentioned, what is her name?
A. Martha, Margaret
Q Is she married? A. Yes, sir, she has been, her and her husband
separated, her name is Hill.
Q Are all of these children whose names you have stated with you
at the time you returned to the Cherokee Nation, or only a part
of them. A. They all came back.

Viney Martin--3

- Q All come together? A. Yes, sir.
Q State where they all lived up to the time they were grown, up to the time the after they came back to the Cherokee Nation?
A They all lived with my father, of course we all kept by mother until we got to be grown, of course he died before the younger children got of age; they were quite small when he died and consequently mother kept them several years before she died.
Q Where did your father die? A. He died in Saline District, Cherokee Nation.

BY MR. HASTINGS:

- Q In what year did your father die? A. He died about 25 years ago, that was '75 I believe.
Q On what place did he live? A. He was staying with me at the time with me at the time of his death
Q Where was your mother at that time? A. She was with the children.
Q Where were they? A. On Big Creek.
Q How long had she been living at Big Creek at that time?
A She must have been living there eight or ten years
Q Where was this girl born, Melvina? A. She was born in Kansas, In what town? A. Fort Scott
Q What is the other, next younger than she? A. Josephine.
Q Where was Josephine born? A. Josephine was born in the Cherokee Nation.
Q Where? A. Cabin Creek
Q How long had your parents been living there when Josephine was born? A. Oh, three or four months
Q How old is Josephine? A. Josephine is 34 I believe, 33 or 4 as well as I can remember, I don't know the ages exactly.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicants not found thereon.

The Kern-Clifton Roll of freedmen of the Cherokee Nation examined and name of applicants found thereon as follows:
Page 122, #3026, Melvina Robinson, Cooweescoowee District 30 years of age.

WITNESS: I made a mistake in calling the oldest child's name, it is Cora instead of Vadie.

Page 119, #2948, Cora Martin, Delaware District
Page 118, #2944, Jesse Martin, Delaware District.

Name of Applicant's wife's sister appears upon the Kern-Clifton roll, page 122, #3027, Josephine Robinson, Cooweescoowee District, 28 years of age.

COM'R NEEDLES: Samuel Martin applies for the enrollment of his wife, Melvina and her two children, Cora and Jesse. He avers that Melvina and her marriage to himself by name of one Israel Martin and has no knowledge of any divorce of said Melvina Martin from her husband, Israel Martin, who was the father of the children for whom he applies, viz: Cora and Jesse. He avers that the said Melvina Martin is sister of William H. Robinson, her maiden name having been Robinson and William H. Robinson is enrolled upon doubtful card #674, and the testimony taken in the matter of the application of William H. Robinson will be a part of the record in the case at bar and a copy thereof filed herewith.

It is ordered that the testimony of Samuel Martin taken in the present application as to the marriage of his wife to Israel Martin and her marriage to himself by name of one of the record in the case of the application of Samuel Martin for the enrollment of himself and his children, who are listed for enrollment on doubtful card #322.

The said applicant makes satisfactory proof as to ~~the~~ the residence of said children for whom he applies and also

Viney Martin--4

as to his wife, consequently Melvina Martin and her children, Cora and Jesse, will now be listed for enrollment upon a doubtful card as Cherokee Freedmen. Said applicant will be duly notified at his post office address of the action of the Commission in the premises.

Mr. SMITH: Applicant offers Section 692 of the Compiled laws of the Cherokee Nation, which by agreement of Counsel will be referred to.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. ROSSON

Subscribed and sworn to before me this 13th day of July, 1901.

(Signed) T. B. NEEDLES
Commissioner

Lucy M. Borman being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of the original transcript.

Lucy M. Borman

Subscribed and sworn to before me this 30th day of January, 1906

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. November 16, 1903

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of Melvina Martin, et al., as Cherokee Freedmen.

Appearances:

J. V. Hastings, Attorney for Cherokee Nation.

MELVINA MARTIN, being first duly sworn, and being examined, testified as follows:

- BY COMMISSION: State your name? A. Melvina Martin
Q What is your postoffice? A. Ramona
Q In what district do you live? A. Cooweescoowee District
Q You are an applicant for enrollment before the Commission here as a Cherokee Freedman? A. Yes sir.
Q You have applied for enrollment here as a Cherokee Freedman?
A. Yes sir
Q How many children have you under age? A. Seven
Q Which ones did you apply for here before the Commission, how many did you apply for? A. Jesse and Cora and Allen
Q You merely applied for those three then? A. Yes sir
Q The others are over twenty-one are they, over age?
Q Yes sir, the girl, Cora, is of age.
Q How old is your oldest child? A. Cora, she is twenty-one, I guess, as near as I can guess at it
Q Is Cora the oldest child you have? A. Yes sir
Q What is the next child? A. Jesse
Q Is that a boy or a girl? A. Boy
Q How old is he? A. Eighteen
Q How old is the next one? A. I don't know how old he is
Q Have you got two sets of children? A. Yes sir
Q Children by two husbands? A. Yes sir. I don't know how old those is, he must be about fourteen years old, as near as I can guess.
Q Who was the father of Cora Martin? A. Israel Martin
Q Was that your first husband? A. Yes sir
Q Who was the father of Jesse Martin? A. Mike Martin
Q Were you married to Mike? A. No sir, I wasn't married to him
Q Is Israel Martin, Cora's father, living? A. Yes sir, he is living.
Q Is he a state raised man? A. No sir
Q Does he claim Cherokee citizenship? A. Yes sir.
Q Has he made application to the Commission? A. I don't know whether he has or not
Q Mike Martin, Jesse's father, is a state raised man? A. No sir
Q Does he claim citizenship? A. Yes sir
Q Did you do whether he has applied to the Commission or not?
A. No sir, I don't know.
Q What is your next child after Jesse? A. Rose Martin
Q How old is she? A. She is about two years old
Q How many children have you by Sam? A. Five
Q Name them? A. Cora, Caroline, Patsy, Wannie and Allen Martin, that's all.
Q Your husband, Sam, has he applied to the Commission.
A. Yes sir, I guess so.
Q Does he claim citizenship? A. Yes sir
Q Did he apply for some of the children? A. Yes sir
Q Who did he apply for, how many of them, all of his children?
A. Yes sir, all of his own.

Cher. Fr. D 387

- Q Have you a child by the name of Allen Martin? A. Yes sir.
- Q How old is he? A. He is about a year and nine months.
- Q Who is the father of Allen? A. Sam Martin.
- Q Sam didn't apply for Allen then did he? A. No sir, I don't think he did.
- Q When did you first get acquainted with Israel Martin?
- A Been a good while.
- Q After the war or before the war? A. Couldn't tell you how long it is.
- Q You don't know anything, then, as to whether he was the slave of a Cherokee citizen or not? A. No sir, I don't.
- Q Mike Martin, when did you first get acquainted with him?
- A That was after the war.
- Q Where was Cora born? A. She was born in the Nation.
- Q Cherokee Nation? A. Yes sir.
- Q How long has she lived there? A. She has been living there all her life. She aint been living no place else but in the Cherokee Nation, ever since she was born. We was living on Grand River when she was born.
- Q Where was Jesse born? A. In the nation.
- Q Has Jesse ever been living outside the Cherokee Nation?
- A No sir.
- Q Where was Allen born? A. In the Nation.
- Q Have Cora, Jesse and Allen Martin been living in the Cherokee Nation all their lives? A. Yes sir.
-

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

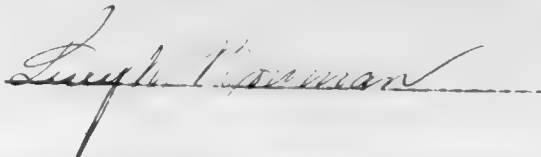
(Signed) Wm. HUTCHINSON

Subscribed and sworn to before me this 18th day of November, 1903

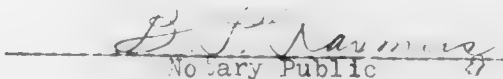
(S E A L)

(Signed) CHARLES L. SAWYER
Notary Public

Lucy M. Bowman being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of the original transcript.



Subscribed and sworn to before me this 30th day of January, 1906:


Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CHEROKEE CIVILIZED TRIBES.

P.P.T.

In the matter of the application for the enrollment of William H. Robinson, et al., as Cherokee Freedmen, consolidating the applications of

William H. Robinson, et al.	Cherokee Freedmen	D 674
Jessie A. Slaughter, et al.,	" "	D 677
Tobe Robinson,	" "	D 686
Melvina Martin et al.	" "	D 687
Martha L. Hill, et al.	" "	D 1016

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by William H. Robinson for himself and his minor children, James A., Jennetta, Charles S., Amanda E., John S., et al.; by David H. Robinson; the application also included his wife, Willie Robinson, who claims as a Cherokee by reason of intermarriage, but as the status of such claimants is not fixed at this time she is not embraced in this decision; by Jessie A. Slaughter for herself and her minor daughter, Sallie Smith; by Tobe Robinson for himself, among others; the other parties to the application being differently classified are not embraced in this decision; by Melvina Martin for his wife, Melvina Martin and her minor children, Sarah and Jesse Martin; subsequent to the date of his original application a birth affidavit was filed as to Allen Martin, another minor child of Melvina Martin, and the same is made a part of the record herein; and by Martha L. Hill for herself and her minor children, Luwick Martin, Annie Jones, Savannah Hill and Luther Daniels. Copies of the testimony taken at various times in the cases of Edward Wright, Cherokee Freedmen D 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, and many others are on file in the record herein.

The evidence shows that the said William H. Robinson and Tobe Robinson, together with their parents, Muriford and Annie Robinson, were free colored persons residing in the Cherokee Nation at the commencement of the rebellion; that they went to Kansas during the rebellion and did not return to and establish their residence in the Cherokee Nation at the time specified, in the decree of the Court of claims rendered on February 3, 1890, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866 and are the respective descendants of and claim their rights to enrollment through Mumford Robinson and his wife Annie Robinson, and William V. Robinson and his wife, VI is Robinson, the latter claiming only as a Cherokee freedman by inter-marriage; and that such descendants have no greater rights to enrollment than the said ancestors through whom they claim. None of the applicants herein can be identified on the 1866 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of William V. Robinson, James A. Robinson, Jennetta Robinson, Charles J. Robinson, Amanda E. Robinson, John C. Robinson, Ollie Robinson, William D. Robinson, Josie L. Slaughter, Sadie Smith, Iola Robinson, Melvina Martin, Cora Martin, Jesse Martin, Allen Martin, Martha W. Hill, Luveda Martin, Annie Jones, Savannah Hill and Luther Daniels, as Cherokee freedmen, should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1906 (36 Stat., 495), and it is so ordered.

COMMISSION TO THE FREE CIVILIZED INDIANS

(Signed)

TAMM RIXBY
Chairman

T. E. NEWELL
Commissioner

C. R. BRIDGEMAN
Commissioner

F. W. STANLEY
Commissioner

Cherokee, Indian Territory,

this 11 1904

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of CORA MARTIN as a Cherokee freedman.

APPEARANCES:

For Applicant, Thomas & Foreman, by Grant Foreman.
For Cherokee nation, James S. Davenport.

CORA DeMUMBER, being first duly sworn, testified as follows:

BY MR. FOREMAN:

- Q What is your name? A Cord DeMumber.
Q What was your name before you were married? A Cora Martin.
Q Who is your father? A Israel Martin.
Q Where does he live? A On Big Creek.
Q Where do you live? A On Big Creek.
Q What is your post office? A Ruby.
Q And how old are you? A 23.
Q Which one of your parents raised you Cora? A My mother and
step father. My father and mother separated and she married
again and I stayed with her.
Q When did your father and mother separate? A I couldn't tell
you, they separated when I was small.
Q What is your mother's name? A Vina Martin, but she was a Rob-
ertson before she married.
Q You mean Melvina? A Yes sir.
Q Where did you live with your mother since your parents separated?
A On Pryor Creek, we lived there about 10 years then we moved to
Caney.
Q And have you always lived in the Cherokee Nation? A Yes sir, I
never was out of the Cherokee nation until I come down here.
Q Do you know who made application for your enrollment before the
Commission? A No sir, if my step father didn't, he went and
told them my name and told my mother was and that was all he done,
and I thought all the time he enrolled my and he come back and
never told me nothing about it.
Q Did you ever appear before the Commission to testify? A No sir,
he said he would enroll me and I just thought he had enrolled me.
Q Did you employ any attorneys to represent you, any lawyers? A No
sir, not until I employed you, we thought all the time I was on
the roll with my father until we went to file and written down
here and said I wasn't on the roll.
Q Is your father an enrolled citizens of the Cherokee nation?
A Yes sir.
Q Do you know whether he has allotted his land? A Yes sir, he has
allotted his land.
Q Has your father any other children? A Yes sir, he has some
children.
Q Have they been enrolled? A Yes sir.
Q Have they received their allotments? A Yes sir.
Q Do you know whether your parents were married? A Yes sir, they
were married.

BY MR. DAVENPORT:

- Q You don't know of your own knowledge anything about their marriage do you? A No sir.
- Q Were they living together when you can recollect? A No sir.
- Q Who were you living with? A With my mother, my father took me and kept me pretty near a year and I wouldn't stay with him.
- Q How long ago has that been? A I don't know exactly, I just could remember.
- Q You never lived with your father since you have been grown? A No sir.
- Q Is that your father out here with you? A Yes sir.
- Q You know nothing as to your parentage excepting what you have been told since you grew up? A That is all.
- Q Your mother, Melvina you lived with her until you got married?
- A Yes sir.
- Q Did she claim to citizenship through the Roberson family? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Your mother is married to another man named Martin? A Yes sir.
- Q Can you remember staying with your father? A Yes sir.
- Q What is the name of your husband? A John DeMumber.
- Q Is he a citizen of the Cherokee Nation? A No sir.
- Q Do you know what time you were married? A I don't know the date of the month but it was about this time year before last.
- Q In December, 1903? A Yes sir.

WITNESSES EXCUSED.

ISRAEL MARTIN, being first duly sworn, testified as follows:

BY MR. FOREMAN:

- Q What is your name? A Israel Martin.
- Q How old are you? A I don't know exactly my age, I am ~~going~~ getting along in years though.
- Q 40 or 50 years old? A No sir, I am not that old, I might be maybe 41 I reckon.
- Q What is your post office? A Ruby.
- Q Indian Territory? A Yes sir.
- Q Do you know Cora Martin DeMumber? A Yes sir.
- Q What relation is she to you? A That is my daughter.
- Q Who was her mother? A Vina Roberson.
- Q Was that her maiden name? A Yes sir.
- Q And when was Cora born? A I don't know just exactly what year she was born.
- Q Were you and Melvina married when she was born? A Yes sir.
- Q How long ago were you married Israel? A It has been right about 27 or 28 years since me and her were married.
- Q Who married you? A A preacher man named Coos-fa-too.
- Q Do you know John Baldrige? A Yes sir.
- Q Who is he? A That is the same man.
- Q Is he known by both names? A Yes sir.
- Q Is he a minister of the gospel? A Yes sir.
- Q Where did he marry you? A On Pryor Creek.
- Q Where from Vinita is that? A West of Vinita, between Vinita and Chelsea.
- Q About how far from Vinita? A I judge by dirt road it is 12 or 14 miles, somewhere along there.
- Q Do you remember at whose house you were married? A Yes sir.
- Q Whose was it? A Henry Sidney's.
- Q Was there any written record of that marriage? A No sir.
- Q How long did you and Melvina live together? A We lived together right around 4 years I think.

- Q What did you do then? A We separated, couldn't get along good together.
- Q How old was Cora when you separated? A She was about 2 1/2 years old I think when we separated.
- Q What became of her, Cora? A Her mother kept her part of the time and part of the time she was with me.
- Q Who raised her? A Her mother principally raised her.
- Q Had you any other children by Melvina? A No sir.
- Q What attempt did you make to have Cora enrolled? A Well when I went in to enroll myself at Vinita and I enrolled myself and all of my children that is at home now and I saw to the Commission, Cora is right about grown and just let her enroll herself, and he says very well we will do that, so I come out and told her mother to let Cora go in and testify for herself and she went, Cora wasn't there, and in the place of them sending Cora-----
- Q Well you made no effort at all to secure her ~~xxx~~ enrollment did you? A No sir.
- Q Are you an enrolled citizen of the Cherokee Nation? A Yes sir.
- Q Have you received your allotment of land? A Yes sir.
- Q And were all your children enrolled except her? A Yes sir.
- Q Do you know whether or not Melvina was enrolled? A No sir, I don't.

BY MR. DAVENPORT:

- Q You say that you and Melvina were married about 28 years ago?
- A Been right about that long.
- Q You lived together how long? A We lived together, I think about 4 years.
- Q Have you ever lived together since that time as husband and wife?
- A No sir.
- Q You have married since you left her? A Yes sir.
- Q And this Cora, the applicant, here has lived with her mother ever since her birth? A No sir, not ever since.
- Q How long has she ever lived with you? A I never kept no account of it but she was with me lots of time.
- Q What years? A I don't know.
- Q Where were you living? A Part of the time on Pig Creek and part of the time on Pryor Creek.
- Q Near whose place were you living on Pryor Creek? A Near Rollin Adair's.
- Q How far? A Probably 3 or 4 miles.
- Q He was close enough to know she was living there? A I guess so.
- Q Who else was living there? A There was Mike.
- Q I mean outside of your family? A Well Mike aint my family.
- Q He is kin folks? A Yes sir.
- Q Any one besides Rollin Adair no kin to you? A Yes sir, several people lived near but I don't just remember the names now.
- Q Who had Melvina been married to before you married her? A Nobody.
- Q Now you haven't brought the man who married you here to show that you and Melvina were married? A No sir.
- Q Cora has not lived with you in the last few years, has she? A She lived with me awhile, it has been about 3 years ago, two or three years ago, then she married.
- Q Was she living with you at the time she married? A No sir, she had went back out west to where she stayed out there.
- Q Where has Melvina been living since you separated with reference to where you have been living? A On Pryor Creek awhile and then out near Ochelata.

- Q Haven't lived in the same neighborhood since you separated?
A Part of the time.
- Q How many years? A I couldn't say just for sure.
- Q Can you tell what year you and Melvina separated? A No sir, I don't undertake that.
- Q Can you tell what year you were married? A No sir.
- Q Do you know what year Cora was born? A I think, no sir, I don't know what year Cora was born, I don't remember dates.
- Q Cora wasn't 21 years old when you applied for her enrollment was she? A Well we thought she was, to the best of your knowledge. That is all we had to go by and we were honest in our undertaking.
- Q Her mother applied for her when the time come didn't she? A I don't remember anything about that but Cora was right about grown. She was so near grown that the Commission told me she could enroll herself.
- Q Does that kind of a conversation appear in your enrollment? A Yes sir.
- §
- ON BEHALF OF THE COMMISSIONER:
- Q Was Cora born while you and Melvina were living together? A Yes sir.
- Q Living together as husband and wife? A Yes sir.
- Q What is the name of your child just next to Cora? A Do you mean by this same woman.
- Q I mean the next child you ever had? A That would have been Rosa. Is Rosa living? A No sir.
- Q What is the name of Rosa's mother? A Her name is Lizzie.
- Q Is that your present wife? A Yes sir.
- Q Have you a child named Maggie? A Yes sir.
- Q About how much older was Rosa than Maggie? A Couldn't say, in fact don't know unless I would get it from my record.
- Q Was she a year, two years or three years? A Well I haven't thought about that without tracing it up in my account.
- Q Did you have any other children between Maggie and Cora besides Rosa? A No sir, I don't think I did, Yes there was another one between Rosa and that one.
- Q What is the name of the other child besides Rosa that is older than Maggie and younger than Cora? A Henry.
- Q Is he living? A No sir.
- Q Which was older, Rosa or Henry? A Rosa.
- Q And then Henry next? A Yes sir.
- Q Did you have any other children between Maggie and Cora? A No sir.
- Q How much older was Henry than Maggie? A I don't know just exactly, not remembering dates very well, but I had all the names and ages in a book but didn't take time to look at it as I left.
- Q Was it more than one or two years? A I am not sure about that.
- Q About how long after you and Melvina separated was it before you and Lizzie married? A About two years.
- Q Were Rosa and Henry your children by Melvina or your children by Lizzie? A By Lizzie.
- Q And were they born after you and Lizzie began living together?
A Yes sir.
- Q Do you know about how long you and Lizzie had lived together before Rosa was born? A No sir, I don't just exactly.
- Q It seems that you ought to remember something about a matter that is important to people who are married? A Well we kept ~~in~~ a record there of it that we have at home and never kept it in our mind, whenever we wanted to know about it we went and looked at it.

The name of Israel Martin, the witness appears on Cherokee Card Filed No. F 1299 and his name appears on a partial roll of Cherokee freedmen approved by the Secretary of the Interior opposite No. 3580.

BY MR. FOREMAN:

- Q You know where the minister is that married you and Melvina?
A Yes sir.
Q Where? A He is west of a little place between here and Coffeyville they call Warren.
Q What railroad is it on? A On this railroad that goes through Wagoner and by Claremore and up to Nowata.
Q How far does he live from where you live? A About 30 miles.
Q You presented an affidavit to him for his signature, did you at the time this rehearing was made? A Yes sir.
Q Did you go to his home? A Yes sir.
Q And did you see him sign the affidavit? A Yes sir.
Q Do you know whether he is living now? A He was the other day, I heard from him.
Q Did you make any effort to get him to come down here to testify in this case? A No sir.
Q Can you get him if necessary? A He said he would come if necessary because he married us and he would go anywhere and swear it, and I believe he will do it.
Q Did he tell you that at the time he signed the affidavit? A No sir, that was the night I was talking to him, I stayed all night with him.
Q Where did you take him to have him sign the affidavit? A Coffeyville, Kansas.
Q How far does he live from Coffeyville? A I think he claimed 12 or 15 miles, somewhere right along there, I don't know exactly the distance myself.

BY MR. DAVENPORT:

- Q That fellow you claim married you called Cush Baldrige? A We call him Coos-fa-tee.
Q That is the same one as John Baldrige? A Yes sir.
Q And you were mistaken this morning about telling the Commission you enrolled this Cora? A No sir, it wasn't.
Q The record doesn't show that you mentioned her anywhere? A Well I sure did.
Q The record taken in May 16, 1901, in which you were sworn to testify in your application the following question and the following answer, "Who do you want to enroll besides yourself," answer, "I want to enroll myself and 4 children." "What are the names of your children?" Answer, "Maggie." "How old is Maggie" hand paper to Commissioner (12), "Next one?" Lewis he was born in 1893, "What is the name of the next one, Laura in 1896, will be 5 years old." "What is the name of the next one?" "Lottie, about a year and a half old." "The next one?" "Lizzie, she is the daughter of Lizzie Stone." A Yes sir, that is all right, he says to me do you appear on any roll-----
Q The record there shows what was said? A I will tell you how this Cora come in, now he says who is Cora, Martin and I says that is my daughter by my first wife that she is about grown and let her enroll for herself and he says all right.
Q But the record doesn't show that you stated the primary facts and the record does show that? A Yes sir.

W I T N E S S E X C U S E D .

VINA MARTIN, being first duly sworn, testified as follows:

BY MR. FOREMAN:

- Q What is your name? A Vina Martin.
Q What is your post office? A Ochelata.
Q How old are you? A About 25 I guess.
Q You are older than 25? A That is as near as I can guess, of course I don't know my age.

ON BEHALF OF THE COMMISSIONER:

- Q You are about 40 years old aren't you? A I might be about 40.

BY MR. FOREMAN:

- Q Do you know Cora Martin? A Yes sir.
Q Her name is now Cora DeMumber? A Yes sir, she is married.
Q How long has she been married? A She has been married pretty near a year I guess, a little before Christmas last Christmas she married.
Q What relation is Cora to you? A She is my daughter?
Q Who is Cora's father? A Israel Martin.
Q Were you and Israel married before her birth? A Yes sir, we were married.
Q Who married you? A Coos-a-fa-dra.
Q Does he go by any other name? A That is all I ever heard of him going by.
Q Where were you married? A On Pryor Creek.
Q You remember at whose home you were married? A At the Henry Sidner place, between Chelsea and Winita.
Q How long after you were married before Cora was born? A Just about a year.
Q How long did you and Israel live together after your marriage?
A About 8 or 9 years.
Q And did you separate? A Yes sir.
Q What became of Cora at the time of your separation? A She was with me.
Q She went with you? A Yes sir, she was small then, nursing, she was little.
Q A little girl? A A baby girl crawling.
Q You don't know how old she was? A She wasn't more than 4 or 5 I think, about 4 years old.
Q Has she lived in the Cherokee Nation ever since that time? A Yes sir, she couldn't been no other place.
Q Did you apply for Cora's enrollment as a Cherokee citizen? A Well my husband, her step daddy did, her daddy told us she was old enough to apply for herself she was grown.
Q Who did ask for her enrollment? A I don't know who did ask for it, she didn't go when she was at home.
Q Was this man who married you a minister of the gospel? A He was, he was, I don't know only what he said, he married us and that is all I know about it.

BY MR. DAVENPORT:

- Q What year did you marry? A It was in the winter.
Q What year? A I don't know what year.
Q How many years ago has it been? A Since we have been married.
Q Yes, since you and he were married? A I guess it has been about 26 or 27 years, it has been so long.
Q How long did you live together? A We lived together about 8 or 9 or 10 years.
Q How old was Cora when you separated? A She wasn't ~~more~~ more than about 4 or 5 years old.

- Q And you lived together 8 or 9 years? A Yes sir.
Q What year did you separate? A I couldn't tell you what year.
Q Do you know what year this is? A No, sir, I don't.
Q Do you know what year the Fern-Clifton roll was made? A No sir, I don't, I can't read and write.
Q You don't have to read and write to remember what happened? A No sir, not everything.
Q Do you know how old Cora is? A About 23 years old now.
Q And you have since married since you and Israel separated, you have married? A Yes sir, I am married again.
Q And he is married? A Yes sir.
Q Now you and Israel were never married were you? A Yes sir.
Q Where did you keep house and live together as man and wife and near whom? A On Pryor Creek.
Q On whose place? A On our own place.
Q Was anybody living in the neighborhood? A Several people living there.
Q Who were they? A Eliza Downing, and Asa and Henry Bean.
Q Now somebody that is not an applicant for citizenship, an 1880 roll person?

Mr. Foreman: I object, how can she tell, I don't think that is a fair question.

On Behalf of the Commissioner: Objection noted.

- Q Did Rollin Adair live close to you? A Yes sir.
Q Does she know you and Israel kept house as man and wife? A Yes sir, he ought to know, I worked for his wife.
Q Who was present at that wedding that John Baldrige undertook to perform between you and Israel? A I don't know, several of them.
Q Don't you remember any of them? A Patsy Laring and Ailsey Bean was there, I don't know, the house was full.
Q Was the yard full? A It wasn't in the yard, it was in the house.

ON BEHALF OF THE COMMISSIONER:

- Q Was Cora born while you and Israel were living together? A Yes sir.
Q How long after Cora was born before you and he separated? A About, we lived together about 8 or 9 or 10 years.
Q How long after Cora was born before you and Israel separated? A I don't know how long it was.
Q Did you and Israel have any other children besides Cora? A No sir.
Q Israel is the husband of Lizzie now? A Yes sir.
Q Did you ever know any other Israel Martin besides the Israel, who is the husband of Lizzie and has children, Maggie, Lewis, and so on? A Yes that is all the Israel I ever heard of.
Q Did you have any children before you and Israel lived together?
A No sir.
Q Did you live with any other men besides Israel Martin and Samuel Martin? A No sir.
Q Who is the father of Jesse Martin? A Jesse Martin?
Q Have you a child named Jesse Martin? A Yes sir, I have got a child named Jesse.
Q Is he living? A Yes sir.
Q What is the name of his father? A I don't know whether Sam is or not.
Q Is Sam Martin the father of Jesse? A No Mike.
Q Mike who? A Mike Martin.
Q Now you just now said that Sam Martin was the father of Jesse Martin, now who is the father of Jesse? A I told you Mike.

- Q Did you and Mike ever live together? A No sir, we never lived together.
- Q How do you know that Mike Martin is the father of Jesse Martin?
- A I guess I ought to know.
- Q Do you know whether he is the father or some other man the father?
- A No other man is the father I can tell you that.
- Q How do you know but what Samuel Martin is the father of Jesse Martin? A Sam aint.
- Q Have you a child named Allen Martin? A yes sir.
- Q Is that child living? A Yes sir, he is living.
- Q Who is his father? A Sam.
- Q Sam Martin is that your present husband? A Yes sir.
- Q Now don't you know that Mike Martin was a married man at the time Jesse Martin was born? A I don't know whether he was married or not, he might have been.
- Q Don't you know that he was married and living with his wife at the time Jesse Martin was born and had several children by his wife?
- A No sir.
- Q Did Mike Martin ever live with you? A No sir, lots of men say they are married but they aint.
- Q Don't you know that he was married to his present wife and that he had been married to her more than a year before Jesse Martin was born? A No sir, I don't know it.
- Q Do you know whether he is married or not? A He is married now.
- Q How long has he been married? A I couldn't tell you.
- Q Hasn't he some children older than your child Jesse Martin? A I don't know, he might have one, I don't know only about my own children.
- Q You and he never lived together at all? A I told you once.
- Q How often did he visit you? A I don't know.
- Q More than once? A Yes he visited me more than once.
- Q About how many times? A I don't know.
- Q A great number of times? A I don't remember the times.
- Q Through what period of time did his visits to you and have intercourse with you extend, through what length of time was it a month or 6 months? A I don't know, it was about two years I guess, I don't know exactly.
- Q Do you know whether it was two years or not? A No sir, I was just guessing at it.
- Q Did any other man ever visit you besides Mike? A No.

This case was here continued by agreement until January 4, 1906, at nine o'clock A. M.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 6th day of January, 1906.

B. P. Raen...
Notary Public.

Cherokee Freedman D 887.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CORA MARTIN as a Cherokee freedman.

ON BEHALF OF THE COMMISSIONER:

The records of this office show that the hearing in the Cherokee freedman enrollment case of Cora Martin was continued from January 4, to January 25, 1906, on which date the case was, by agreement, continued until ten o'clock A. M., on January 26, 1906, at which time this case was called pursuant to said continuance, the applicant not appearing either in person or by attorney, and the Cherokee Nation appearing by its representative, James S. Davenport, who announces that the Nation has no testimony to introduce, this case will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of January, 1906.

E. P. Adams
Notary Public.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largent	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Genl Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1419	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutehfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidecock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
* James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitecock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lombard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4226	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4241	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Berthoff	4642
Elizabeth Black	4281	Alice Robbins.	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peck	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Bredden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harrietté Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Broek	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simeron	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylie	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Ancha Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Foutle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Emin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary E. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James E. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Mahissa Hubbard	6089
Sarah Cannon	5879	Jane Bengo	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghoramley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stoyer	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carhle	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James I. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6733
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tynes	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda T. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Balley	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Halderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carhle	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Kate E. Ratley	7080
Emma J. Thompson	6589	Eta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6604	Samuel Brown	7100
Poca Phillips	6642	William H. Turner	7101
Lois E. David	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Hauer	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Ma'lie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Combally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9031
Ada Pharriss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmunds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudnot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James I. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Brinan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Babbridge	9529
Charles D. England	7512	James R. Pondexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Ogilvie	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hall	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waxbourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May T. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kaefer	9955
William H. Humbley	9635	Sarah Bent	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha F. Blair	9965
Mack H. Martin	9640	Elmas Kyle	9991
Mary Ward	9653	Ida Custanar	9992
George Givens	9658	James W. Henning	9994
Pheney Poorboy	9660	Samuel H. Lee	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara A. Wood	10002
Daniel Crad	9770	Stephen W. P. Chamberlain	10005
Mary M. Motte	9771	Mary T. Peterson	10008
Leeta E. Herrin	9854	William T. Patton	10011
Galen E. Carrick	9855	Nellie Todd	10013
Rosa B. Barger	9857	Sarah A. Dwyer	10015
Rachel Loterman	9858	Willard F. Herndon	10016
Serepta C. Walf	9861	Jesse Talbot	10020
V. G. Sebolt	9864	Lucy E. Scott	10021
Annie Cannon	9867	Agnes E. H. Hill	10022
Isabell McCall	9874	Maria L. Rogers	10023
Robert C. Dyer	9875	Nathan Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Abbie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condy	10028	John T. Pickard	10117
James D. Camery	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Walter Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClam	10192
Ella Bray	10087	Elza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Mahnda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Chadders	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	468	
Sarah A. Fields	10214	Adolphus J. Hallum	D	483	
Susie Henderson	10216	Alexander Walker	D	490	
Charles H. Richhardt	10218	Albert J. High	D	491	
William H. Watkins	10221	America Matoy	D	501	
Frank M. Rueker	10222	Moses L. Grazier	D	503	
Henry C. Reed	10224	Myrtle Hall	D	509	
Laura B. Timberlake	10226	Wallace Thursday	D	514	
George A. Brown	10228	Thomas W. Baker	D	546	
Drucilla Lowrey	10232	Mattie E. Keys	D	550	
Almira Mouse	D	9	William S. Edwards	D	560
Lenora Prather	D	16	Susan L. Reed	D	572
Andrew M. Cooter	D	17	William H. Lyman	D	574
Martin L. Stokes	D	28	Gracia Davis	D	577
Peter Walters	D	44	Edward C. Bolen	D	582
Columbus M. Reeves	D	58	Dora Guthrie	D	585
Sarah Barnes	D	103	Samuel H. Hawkins	D	594
George T. Kiddy	D	108	Lula M. Purcell	D	600
Henry C. Agent	D	139	Ben Estes	D	603
Joseph Phipps	D	147	Thomas M. Reynolds	D	621
Henry Hilton	D	149	Arthur Dodge	D	622
David A. McGlamery	D	161	Carrie L. McNair	D	624
Maggie Doublehead	D	169	Constantine N. Walker	D	641
Annie Lovett	D	180	Joseph Davis	D	648
Nora Hood	D	184	Leander A. Keys	D	650
John A. Johnson	D	232	James J. Barndollar	D	655
Nathaniel G. Simpson	D	242	Nathan J. Brink	D	682
Oncico W. Head	D	244	William S. Miles	D	688
Etta Taylor	D	245	Emma Waybourn	D	698
Susan V. Sullivan	D	262	Dora E. Rogers	D	708
Levi H. Tackett	D	263	James W. Turley	D	709
William H. Connelley	D	264	Lizzie Ward	D	711
Julia A. Sullivan	D	284	Robert J. Holly	D	713
May Fields	D	297	Belle I. Quinton	D	728
Katie Hummingbird	D	308	Francis M. Boothe	D	734
William F. Sager	D	320	Amos W. Lord	D	746
Lovick P. Garrison	D	334	Agnes N. Childers	D	749
Henry Grubb	D	338	John E. Reufrow	D	752
Luey F. Lacey	D	340	William Coon	D	759
Callie Blevins	D	341	Louis Bruere	D	779
James S. Alfrey	D	355	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D	368	Eliza Fields	D	787
Ada Hall	D	376	William H. Brown	D	788
Jane M. Hicks	D	396	William A. Cox	D	793
Fannie L. Dupree	D	403	Charles A. Robison	D	799
Willis Battles, Jr	D	404	Artha Williams	D	800
Joshua W. Ellis	D	413	Adam Gearhart	D	806
Nina B. Owen	D	450	Cecero F. Rogers	D	855
John M. Ridenour	D	458	Annie Garrett	D	856
Emery S. Thompson	D	464	George S. Yarborough	D	875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Ninnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mill	D	1337
Silas G. Reneekar	D	966	Alfred H. Wood	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Sasie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vain	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Crouch	D	1913
Ora H. Maxwell	D	1135	D. A. Mount	D	1967
Reuben W. Moore	D	1136	T. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Ella Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacy Crane	D	2592
Christina Johnson	D	1199	Daisy Criss	D	2595
Louvenia Ironside	D	1208	Hiram A. LaFleur	D	2599
Martha J. Henson	D	1218	Charles Noel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Priella Ross	D	2608
Frank Carver	D	1267	Tom W. Requa	D	2609
Etta B. Payne	D	1270	Mary St. ...	D	2612
Mary Garrett	D	1271	Rhoda ...	D	2613
Joe W. Goodman	D	1272	Jasper ...	D	2614
Mathew J. Flangan	D	1274	Mabel ...	D	2618
Lizzie C. Holland	D	1285	Opheya ...	D	2619
Etta Downing	D	1291	Core ...	D	2620
William Caywood	D	1296	Kate ...	D	2667
Clarence W. Turner	D	1307	Wade ...	D	2686
Alfred Chaney	D	1315	George ...	D	2687
Euphemia Sweetwater	D	1314	Dora ...	D	2698
Etta Russell	D	1319	J. ...	D	2699

Herbert E. Couch	D 2700	Sammel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank E. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stuecker	D 2829
Anna L. Harlin	D 2715	Sallie Taunecacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Columbus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Emma Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Elfie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Offie Miller	D 2810	Abrahe Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Lester Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Leona G. Nelson	D 3058
Charley Niekols	D 2815	Abie Simon	D 3059
Etta W. Naliffer	D 2817	George O. Wallace	D 3060
Louizer Ossowae	D 2818	Estrie Che	D 3078
William H. Patterson	D 2820	Eller Drew	D 3079

Lue Fish	D	3081	Della Baldrige	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Dated at Muskogee, Indian Territory,

Commissioner.

this January 10, 1907.

D. C. 51740-1905.

(COPY)

I. T. S. 51223-1904.

4256-1905.

I. T. S.

Y. P.
ILL.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 11, 1905.

Commissioner to the Five Civilized Tribes,

Wasko, Indian Territory.

Sir:

April 11, 1905, the Commissioner to the Five Civilized Tribes submitted a petition for a ruling in the Cherokee for the purpose of having certain title, so far as Cora Martin is concerned.

It is stated in the petition that Cora Martin is the daughter of John Martin and Israel Martin and was born to said parents in lawful wedlock, and that her father is a full enrolled citizen of the Cherokee nation and has received an allotment of land in such; that when the Commission was made its decision in the case, it either decided the claim, or decided that the father is in default or entirely overruled the case, and the decision of the court in all the applications in the case, including the petition, of a certain number of years, including, also, the fact that the petition of the said right to claim a certain title for her, Israel Martin.

Since Martin is the wife of the said Cora Martin, and the said Israel Martin is her father, Cora Martin did not answer.

The Commission has not shown anywhere that Israel Martin is not a duly enrolled citizen of the Cherokee Nation.

The motion is hereby granted and it is returned herewith on the basis of a rehearing.

Respectfully,

(Signed) Thos R. n
First Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

(C O P Y)

LAND
17405-1906.

D E P A R T M E N T O F T H E I N T E R I O R ,
O F F I C E O F I N D I A N A F F A I R S ,
W A S H I N G T O N .

May 23, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated February 20, 1906, transmitting the record of the application for enrollment as a Cherokee Freedman by Cora Martin.

February 20, 1906 the Commissioner decided favorably to the applicant.

The record shows that this case was originally consolidated with the case of Melvina Martin, et al., (William M. Robinson et al.), forwarded to the Department June 20, 1904 (Land 19440-04) and apparently still pending before the Department. Under date of November 11, 1905 (ITD 4256-05) the Department granted a motion for rehearing in the case of Cora Martin.

The evidence shows that Cora Martin, now De Mumber, is the daughter of Israel Martin who was the slave of a Cherokee citizen at the beginning of the war of the rebellion and complied with the provisions of Article IX of the treaty of 1866. His name is found opposite No. 3585 on a partial roll of Cherokee Freedman approved by the Department November 16, 1904. It is further shown that Cora Martin was born in the Cherokee Nation

since 1866 and has continuously resided therein since birth.

In view of the record the approval of the Commissioner's decision favorable to the applicant is recommended.

Very respectfully,

(Signed) C. F. Iarrabee,

Acting Commissioner.

MMM

C

D.C. 53852-1906.

(C O P Y)

J.P.Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.S.

December 6, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 20, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Cora Martin, now DeMumber, as a Cherokee freedman, including your decision of the same date, favorable to the applicant.

Reporting May 23, 1906 (Land 17405), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed)

Thos. Ryan,

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

Cherokee Freedmen
D 887

Muskogee, Indian Territory, December 17, 1906

Cora Denumber, nee Martin.

Ruby, Indian Territory.

Dear Madam;

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 20, 1906, granting your application for enrollment as a Cherokee freedman, was affirmed by the secretary of the Interior on December 6, 1906.

You are further advised that an application for the selection of an allotment of land in the Cherokee Nation can not be received until your name has been placed upon a final schedule of Cherokee Freedmen, and the same is approved by the secretary of the Interior, of which action you will be duly notified.

Respectfully,

Commissioner

Cherokee Freedmen
D 887

Muskogee, Indian Territory, December 17, 1906

Thomas & Foreman,
Attorneys for Cora Martin,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 20, 1906, granting the application for the enrollment of Cora Martin, now Cora Denumber, as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 6, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

L M B

Commissioner

Encl. B-92

Cherokee Freedmen
D 887

Muskogee, Indian Territory, December 17, 1906

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 20, 1906, granting the application for the enrollment of Cora Martin, now Denumber, as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 6, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl. B-93

Commissioner

Cher. 1540

Muskogee, Indian Territory, January 10, 1907.

Etta Hicks,

Marlow, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cher Fr 1541

Trans. from Cher Fr D841

Cher Fr 1541

STRAIGHT, as to Husband, Alexander Foudinot:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Nowata, I. T., June 24th, 1901.

In the matter of the application of Mariah Foudinot for the enrollment of herself, her husband and one child as Cherokee Freedmen; said Foudinot being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Mr. I. P. Fledsoe, Agent for Applicants.

Messrs. Hastings and Davenport, for Cherokee Nation.

- Q What is your name? A Mariah Foudinot.
Q How old are you? A 24 years old.
Q What is your post office? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A One child.
Q What is the name of the child? A Alexander Foudinot.
Q How old is he? A Year and five months old.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q What was your father's name? A Cornelius Bacon.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Golia Bacon.
Q Is she living? A No, sir.
Q What is your husband's name? A Aleck Foudinot.
Q Is he living? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q Well, has he applied to be enrolled yet? A No, sir.
Q Are you and he living together? A Yes, sir.
Q Is his name on the roll of 1880? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's husband found thereon, page 74, #323, Alex Foudinot, Cooweescoowee Dist. Name of applicant not found on the 1880 roll.

The 1880 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant's husband found thereon, page 627, #19, Alexander Foudinot, Delaware District.

- Q Has your husband been living in the Cherokee Nation continuously for the last twenty years, do you know? A Yes, sir, I guess so, ever since I knowed him he has been living here.
Q You say your name is on any of the roll, except the Wallace roll?
A Yes, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 127, #2674, Maria Bacon, Cooweescoowee District.

- Q Did you ever know a woman named Jennie Foudinot? A I have heard of her. he
Q Supposed to be his (Applicant's husband) wife? A Yes, sir, she used to be.
Q Is she living? A Yes, sir, I think so.
Q Where were you born? A I was born in the Nation.
Q Have you lived in the Nation all your life? A Yes, sir.
Q Was this child Alexander you want to enroll? A Yes, sir, here he is right here.
Q Have you any proof of your marriage to Aleck Foudinot? A Yes, sir, I got a certificate but I haven't got it with me. Sam Webber married us.

BY MR. RYAN:

- Q Who was your mother, Mariah? A Celia Martin, or Bacon.
Q Who was your father? A Cornelius Bacon.
Q Is your mother alive or dead? A She is dead.
Q Your father, is he alive? A Yes, sir.
Q That is the old gentleman had sworn just now? A Yes, sir.
Q Was your mother a citizen? A Yes, sir.
Q You have lived in the Cherokee Nation all your life? A Yes, sir.

BY MR. HASTINGS:

- Q How long have you known Aleck Goodhot? A About three years.
Q You don't know of your knowledge whether he was married or not?
A No, sir.
Q Was he living with this woman Jane at the time you knew him then?
A No, sir.
Q Did he tell you he had been married before? A He said he had been living with a woman before; he didn't say he was married.
Q Then you knew he had been living with a woman before? A Yes, sir.
Q Do you know whether he had any children or not? A No, sir.
Q You have only known him about three years? A Yes, sir.
Q Well, now, when did you marry him? A 1900.
Q Last year? A Yes, sir.
Q What time of last year? A July 1st.
Q When was this child born? A January 1st.
Q You had been living with him about six months when that child was born, just six months is that true? A Yes, sir, he was born on the first day of January.
Q And you married on the first day of July before the child was born? A I married him in 1900, July 1st.
Q And the child was born January 1st, 1901? A 1900.
Q Do you mean the child was born after you married the man or not?
(No response.)

BY COMPTON:

- Q The child was born before you married? A Yes, sir.

BY MR. HASTINGS:

- Q Have you been living with him now since you married him? A Yes, sir.
Q Where are you keeping house? A North part of town.
Q Have you been keeping house there? A Yes, sir.
Q Have been ever since you married? A Yes, sir.
Q North part of this town, Nowata? A Yes, sir.
Q What does your husband do? A He cooks at the hotel.
Q Have you ever married before you married Aleck? A Yes, sir.
Q What was his name? A Jerry Tucker.
Q You never was divorced? A No, sir. I don't have anything to get a divorce with, it just happened and never got any license or anything.
Q Did he have a preacher? A Yes, sir, he said he was a preacher.
Q Who was it? A His name was Thoma, he didn't live in this country.
Q How long did you live with that man before you separated from him?
A Two or three years.
Q When did you separate from him? A It has been four years ago.
Q How old was he when you separated? A 24.
Q Now, where were you born? A I was born out in the country, about the hills, Cherokee Nation.
Q That direction from here? A West.
Q Have you lived there ever since? A Yes, sir.
Q How far is that from the town of Cuddy's? A I live about two miles and a half.
Q You have known him ever since you were born? A Yes, sir.
Q You have lived right there in that neighborhood? A Yes, sir.
Q You never lived in the State of Kansas? A I was out nine months to school.
Q Well, but any other time except to school? A No, sir.

Mariah Roudinot, et al.--3.

- Q You have lived in that Overcup bottom ever since? A Yes, sir.
BY MR. NEEDLES:
Q You say this child was born before you married "leck"? A Yes, sir.
Q Is "leck" the father of this child? A Yes, sir.

- CORNELIUS MASON, being sworn by Commissioner T. B. Needles, testified as follows: BY MR. NEEDLES:
Q What is your name? A Cornelius Mason.
Q How old are you? A 64.
Q Where do you live? A Up here in the bottom.
Q Are you a Cherokee citizen? A No, sir.
Q What are you? A Chickasaw.
Q Do you know Mariah Roudinot? A Yes, sir.
Q What relation is she to you? A She is my daughter.
Q Who is her mother? A Celia Martin.
Q Where is Celia Martin now? A She is dead.
Q Where was this child born? A Down here in the bottom, we call the Coody's Bluff, it is.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether Mariah Mason has lived in the Cherokee Nation all her life? A Yes, sir.
Q Do you know anything about this child, whether it is her child or not, this child (indicating)? A Yes, sir.
Q How long have you known Celia Martin? A Ever since '68.
Q Where did you know her in 1880? A Right down here on the river.
Q In the Cherokee Nation? A Yes, sir.
Q Where were you married to her? A At Coody's bluff.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether she remained in here up to the time of her death? A Yes, sir.

- BY COM'R NEEDLES:
Q You say you are a citizen of the Chickasaw Nation? A Yes, sir.
Q Celia Martin was your wife? A Yes, sir.
Q Celia Martin was the mother of Mariah Roudinot? A Yes, sir.
Q Was Celia Martin a slave? A I suppose so.
Q Do you know to whom she belonged? A Belonged to Joe Martin.
Q Was Joe Martin a Cherokee? A Yes, sir.
Q Was Celia Martin taken out of the Cherokee Nation during the war?
A I heard she was.
Q Do you know it? A No, sir.
Q Do you know when she returned? A I do not.

- ALLEN LYNCH, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. NEEDLES:
Q What is your name? A Allen Lynch.
Q How old are you? A I am 61 years old, sir.
Q Do you know whether or not your name is upon the authenticated roll of 1880 of the Cherokee Nation or not? A Yes, sir.
Q Do you know this woman here, Mariah Roudinot? A Yes, sir.
Q Do you know her mother's name? A Yes, sir.
Q What was her mother's name? A Celia Martin used to be.
Q Do you know whether she was a slave or not? A Yes, sir.
Q To whom did she belong? A Joe Martin.
Q At the commencement of the war? A Yes, sir.
Q Did she return here after the war? A Well, I don't know that.
Q What time did she return after the war? A I don't know what time she came back.
Q When did you see her after the war? A I never seen Celia for three or four, five or six years after the war.
Q How long after the war did you see her, sir, I don't.
Q Allen, was she a living at the breaking out of the war?
A Yes, she was a living after the war.
Q How long did she live after the war? A We must have lived ten or twelve years after the war, it has not been more than five or six, eight years since she died.

Mariahoudinot, et al.--4.

- Q And her father belonged to him prior to the war? A Yes, sir.
Q And you don't know when she returned? A No, sir.

- COLUMBUS McHAIR, being duly sworn by Commissioner T. D. Needles, testified as follows: Q NAME: COLUMBUS McHAIR:
Q What is your name? A Columbus McHair.
Q How old are you? A 81 years.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know this woman here, Mariah Bacon or Mariahoudinot?
A Yes, sir.
Q Do you know who her mother was? A Yes, sir.
Q Who was she? A She was Celia Martin.
Q Who did she marry? A She married Cornelius Bacon.
Q Do you know whether she was a slave or not? A Yes, sir.
Q Whom did she belong to? A Belonged to Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Do you know whether she was taken out of here during the war or not? A Yes, sir, I guess she was.
Q When did you see her? A I never saw her until '07.
Q What time of '07? A February.
Q Where did you see her at? A Down here on Dryer Creek with Jess Bacon at the old Martin Thompson place.
Q How long she was with Jess Bacon? A Yes, sir, she was with Jess there.
Q Do you know whether Celia Martin continued to live in the Cherokee Nation until her death? A Yes, sir.
Q She died in the Cherokee Nation? A Yes, sir.
Q Do you know whether this child was born in the Cherokee Nation or not? A Yes, sir, she was born in the Cherokee Nation.
Q NAME: MARTIN THOMPSON:
Q Where was Martin Thompson living at that time? A Down here on the old ranch place where we lived before the war.
Q Had he and Jack McHair's widow married then?
A No, sir, he married my young mistress, Martha McHair, and before he married her she was Martha Rogers.
Q And Martin Thompson was living on Dryer Creek? A Yes, sir.
Q And that was in '07? A Yes, sir.
Q Was Jess down with Martin Thompson? A Yes, sir.
Q How far is that from where Dryer Creek station is now? A Way up above Dryer Creek.
Q How far below Theleaf? A I don't know; I traveled about over that part of the country before the war, it ain't over six, seven or eight miles back.
Q And Martin Thompson was living there at the time you saw them?
A Yes, sir.

COLUMBUS McHAIR: Mariahoudinot applied for the enrollment of herself, her husband, Alexander, and her child, Alexander Jr., the wife of her husband, Alexanderoudinot, appears upon the authenticated roll of 1880 and the census roll of 1890. Satisfactory proof is made as to residence and she will be listed for enrollment as a Cherokee Freedman.

Mariahoudinot cannot be identified upon the roll of 1880, the census roll of 1890, or Kern-Clifton roll, but is identified upon the Wallace roll by the name of Mariah Bacon. She claims that she was formerly married to one Jerry Tucker and presents no satisfactory proof of divorce. She claims that her knowledge of her husband lived with her until his death before she married her, if no satisfactory proof of divorce is presented. It will be necessary for Mariahoudinot to file with this court a certificate of marriage to Alexanderoudinot and also certificate of birth as to her child, Alexander, Jr., and satisfactory proof of divorce. Consequently

Mariah Woudinot, et al.--5.

Mariah Woudinot and her child, Alexander, will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. The citizenship of the said Alexander, Jr., will depend first upon proof of divorce between Alexander Woudinot, Sr., and his former wife, and proof of divorce between Mariah Woudinot and her former husband; proof of marriage between the applicant and her husband and proof of birth. She will be notified by mail of the decision of the Commission in the matter of her application when the same is arrived at.

SUPPLEMENTAL TO ABOVE:

COMMISSIONER McNAIR recalled: BY MR. HASTINGS:

- Q Did you know this woman's mother before this war? A Yes, sir.
Q Where did she live? A Lived right down here on Cabin Creek of man Joe Martin's.
Q What was her mother? A Her name was Celia Martin, belonged to Joe Martin.
Q Do you know whether she had any children before the war or not?
A No sir.
Q Do you know what her mother's name was? A Mariah.
Q And her father? A Preacher Fred Martin was always said to be her father.

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J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes there of.

Signed J. O. Fosson

Subscribed and sworn to before me this 11th day of July, 1901.

Signed T. E. Needles,
Commissioner.

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D. J. Skewis, an Oat., states that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission to the Five Civilized Tribes.

Subscribed and sworn to before me this 11th day of June, 1904.

D. J. Skewis
Charles H. Sawyer
Secretary Public.)

Supl. C.F.-D.#1037.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Susie Harrison, et al., for enrollment as Cherokee Freedmen, intro-
duced on part of the applicants:

APPEARANCES:

Applicant present in person.
Mr. Davenport, of Counsel for Cherokee Nation.

GEORGE VANN, being duly sworn and examined by Commissioner
Needles, testified as follows on part of applicants:

- Q What is your name? A George Vann.
Q What is your age? A 52.
Q What is your post office address? A Lenapah.
Q Do you know Susie Harrison? A Yes, sir.
Q How long have you known her? A I have knowed her ever since
the war, I knowed her mother before the war.
Q Was she a slave? A I don't know, I didn't see her when she was
a slave.
Q Was her mother a slave? A Yes, sir.
Q Who did her mother belong to? A Mrs. Archer.
Q Was Mrs. Archer a Cherokee citizen? A Yes, sir.
Q Well, when was the first time you knew Susie and what year?
A About '67 was the first time I saw her.
Q Do you know where she had been before that? A She was raised
in the Creek Nation, I guess; that is from Gibson.
Q Raised in the Creek Nation? A That is she lived in there, I
saw her at Gibson.
Q In '67? A '67.
Q You don't know where she was during the war? A No, sir, I don't.
Q Don't know whether she was out of the Cherokee Nation or not?
A No, sir.
Q All you know about it then is she is the daughter of-? A Rosa
Archer.
Q And that Rosa Archer belonged to-? A Mrs. Polly Archer.

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J. O. Rosson, being first duly sworn, states that as stenogra-
pher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 31st, 1901.

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H. H. Vance, being first duly sworn, states that as stenogra-
pher to the Commission to the Five Civilized Tribes he made the
above and foregoing copy and that the same is a true and complete

copy of the original transcript.

Wm. Lane

Subscribed and sworn to before me this the 5th day of July, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maria Boudinot for the enrollment of herself and minor child, Alexander Boudinot, Jr., as Cherokee Freedmen.

DECISION

The record in this case shows that on June 24, 1901, Maria Boudinot appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and minor child, Alexander Boudinot, Jr., as Cherokee freedmen. The application also included Alexander Boudinot, but he is differently classified and is not embraced in this decision.

The evidence shows that the applicant, Maria Boudinot, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation during the rebellion and did not return thereto until February, 1867. Her name is not found on the 1880 authenticated Cherokee roll.

The evidence further shows that the applicant, Alexander Boudinot, Jr., was about one year old at the date of this application; that he is the son of Maria Boudinot and Alexander Boudinot; and that the latter is identified on the 1880 authenticated Cherokee roll.

The evidence further shows that Alexander Boudinot, father of the minor applicant herein, has resided in the Cherokee Nation for about twenty years immediately preceding the date of this application, and that his son, Alexander Boudinot, Jr., has resided in said Nation continuously since birth.

It is, therefore, the opinion of this Commission that Alexander Boudinot, Jr., should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the application for the enrollment of Maria Boudinot as a Cherokee Freedman should be denied, under the provisions of said section twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

TAMM BIXBY
Chairman.

T. B. Needles,
Commissioner.

(SIGNED)

C. H. Breckinridge,
Commissioner.

W. E. Stanley,
Commissioner.

Dated at Muskogee, I. T.,
this Jul 1-1903.

Cherokee Freedmen
D 841.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARIAH BOUDINOT, ET AL., as Cherokee freedmen.

It appears that on May 11, 1904, the applicant, her agent, and the attorney for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter. Upon motion of the attorney for the Cherokee Nation, this case was continued from June 16, to June 17, 1904, when the following testimony was introduced:

APPEARANCES:

Applicant represented by her father, Cornelius Bacon and by attorney, R. W. Blue.
Cherokee nation by its attorneys, W. W. Hastings and L. B. Bell.

SA WEBBER, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Sam Webber.
Q How old are you? A About 60 years old.
Q What is your postoffice? A Nowata.
Q You are a Cherokee freedman? A Yes, sir.
Q On the 1880 authenticated roll? A Yes, sir.
Q Do you know the applicant in this case, Mariah Boudinot? A Yes, sir.
Q How old is she? A She is about, somewhere about 27 or '8.
Q What is the name of her mother, if you know? A Celia. Celia Martin; her former name was Celia Bacon.
Q What is the name of the applicant's father? A Cornelius Bacon.
Q Was the applicant's mother the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did she belong to? A Mr. Joe Martin.
Q When did you first get acquainted with Celia Bacon, the applicant's mother? A Along ever since she has been born.
Q Is she dead now? A Yes, sir.
Q When did she die? A The first of this coming July four years ago.
Q About how old was she when she died? A I hardly know.
Q About your age or older? A Some younger than I am.
Q Was she taken out of the Cherokee Nation during the war? A Yes, sir.
Q Where did she go to? A Kansas.
Q Do you know when she returned to the Cherokee Nation after the war? A I know when I first saw her.
Q When did you first see her in the Cherokee Nation after the war? A Sometime in December; don't exactly know the day, but in December.
Q What year? A '66.
Q Where was she then? A On Pryors Creek.

- Q Was she living there? A She was staying with a man by the name of Ben Grimmett.
- Q Do you know how long she continued to stay there after your first saw her? A From that time I never seen her any more till along in the Spring of '67.
- Q Where was she then? A Near Coodys Bluff with Jess Brown, her brother-in-law.
- Q How long did she stay there? A She stayed there that summer, and I never seed her any more for quite a little bit and I never inquired about her, and about eight years after that I saw her back there with her brother-in-law, George Brown.
- Q Where was this applicant born, Mariah Boudinot, if you know? A On the Verdigris river.
- Q Cherokee nation? A Yes, sir.
- Q Since you first saw the mother, as you say in the Cherokee Nation in 1866, do you know whether or not she has ever lived outside of the Cherokee Nation up to the time of her death? A I don't know if she has.
- Q Is the applicant's father a Cherokee freedman? A Yes, sir.
- Q He is a non-citizen? A He is from some of those other Nations they tell me.
- Q Do you know by what name Celia Bacon was known when the 1880 roll was made? A Celia Martin.
- Q Where did she live then? A At Coodys Bluff.
- Q Was she married? A No, sir.
- Q Did she have any children? A If she had I never seen them then.
- Q If she had been enrolled in that year, would she be alone on the roll? A Yes, sir, she really ought to be with Jess Brown's family, if you find her on there, but I don't think she is on there.
- Q You don't think she is on the 1880 roll? A No, sir, I don't think so.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's mother not identified thereon as Celia Martin.

- Q Can you offer any explanation as to why this woman's name does not appear on the 1880 roll? A No, sir.
- Q She was living in the Cherokee Nation at that time? A Yes, sir.
- Q When was she married to this man Bacon? A They first took up together and lived together sometime. So he come to me and wanted me to marry them lawfully, and I told him all right, and I just married them. It has been 15 or 16 years ago, I don't remember exactly the date.
- Q You are a minister of the gospel? A Yes, sir.
- Q How long had they been living together? A They had been edging around together and then went to housekeeping after so long a time.

By Mr. Blue:

- Q When did you first meet Celia Martin to know her? A I have knowed her ever since she was a little girl, as I said.
- Q When did you first meet her after the Civil war? A I seen her here on Pryors Creek in December, '66.
- Q Had you knowed of her being in the country before that time after the war? A That was my first knowledge of her after the war down here.
- Q At what place on Pryors Creek did you meet her? A On a place Ben Grimmett bought from a fullblood Indian they called Shotpouch.
- Q Who, if anyone, was present at the time you met her there? A Her and Jess Brown and his wife and once child called Sis.
- Q Whose child? A Jess Brown's child, a little bittie small child.

- Q What relation, if any, was Jess Brown to Celia Martin? A Jess' wife and Celia were sisters.
- Q Where was Celia Martin's husband, Mr. Bacon, if you know?
- A I didn't know him at all then; mus' have been south where he come from.
- Q Had they been living together before that time? A No, sir, she was a young girl then.
- Q About when did they first begin to live together, if you know?
- A It was after she come up there with Jess Brown and went away and was gone about eight years; it was after that sometime, I don't remember just when exactly.
- Q Did you know at the time of her death? A Yes, sir.
- Q How long have you known Mariah Boudinot? A Ever since she was born.
- Q Where has she resided since she was born? A Right around on the river there near Goodys Bluff, and in Nowata. Her father sent her to her sister's to school; she got a average fair schooling and come back.
- Q In what Territory did she reside? A Cherokee Nation.
- Q Indian Territory? A Yes, sir.
- Q I believe you stated that Celia Martin was the slave of a Cherokee? A Yes, sir.
- Q Who owned her at the time of the war? A Joe Martin.
- Q Do you know whether or not she was carried out of the country during the war? A Yes, sir. I seen her out during the war.
- Q Where was she carried to? A Kansas.
- Q When? A I don't know exactly, I seen her there in '63.
- Q Was she, this Mariah Boudinot, ever a slave herself? A No, sir.
- Q Do you know when Celia Martin, afterwards Celia Bacon, returned to the Territory after the war? A I know when I seen her down there in December, '66.
- Q You don't know how long before that she returned to the Territory?
- A If she came with Ben Grinnett she come in the Spring.
- Q Do you know whether she did return with Ben Grinnett or not?
- A No, sir, that is where I seen her.
- Q Where did Ben Grinnett resided after he come back to the Territory? A He first went, he told me, to Tahlequah, and stayed there till he come up on Pryors Creek.
- Q Do you know of your own knowledge when he came to the Territory after the war? A He left us, he lived right there close to us in '66, he run a farm there close to us.
- Q Who do you mean by us? A Me and my father.
- Q What was your father's name? A Sam Webber.
- Q Where was it he left you and your father, as you said? A In Kansas.
- Q What place in Kansas? A Near Mound City, in Lynn County.
- Q Do you know of your own personal knowledge that he left where he was residing in Lynn County? A Yes, sir, he left there and had my sister for a wife, you know.
- Q This Ben-----? A Grinnett.
- Q How do you spell it? A I don't believe I can spell it; its Grinnett.
- Q About when did he leave Lynn County for the Territory? A In the Spring of '66.
- Q What month, if you remember? A Along in April sometime, I don't remember exactly.
- Q After he left Lynn County in the Spring of '66, when did you next see him? A I never saw him till I went to see him on Pryors Creek in the Cherokee Nation.
- Q When was that? A In December.
- Q What year? A '66.
- Q You spoke about Mariah's mother, after you saw her here in '66 how long did she continue about here in the Territory? A After that eight years that I didn't know her whereabouts she stayed here until she died.

Q Was she here in 1868? A I didn't see her after '67 while Jess was making that crop at the old Brown place for about eight years; after that I seen her all the time.

Q Brown place in the Territory? A Yes, sir.

Q What time in '67 did you see her there? A In the Spring; my father helped him to make the crop.

Q Do you know where she died? A She died in Nowata.

Q When was that? A The first of this coming July will be four years.

Q Had she resided in Nowata prior to that? A Yes, sir.

Q How long? A She left the farm two years before that, two or three years and come to town; they sold the farm and come to town.

Q Who sold the farm? A Her and her husband, Bacon.

Q Where in Nowata? A In the Cherokee Nation.

Q This farm on which Mrs. Boudinot's mother and husband resided, where did it lie with reference to Nowata? A East of Nowata four or five miles.

Q Do you know how long they resided on that farm prior to moving to Nowata? A No, sir, not exactly.

By Mr. Hastings:

Q Where did Ben Crimmett live on Pryor Creek in December, '66, as you stated? A On the east side of Pryors Creek.

Q How far below Chelsea? A I don't know exactly, Chelsea wasn't there. It was above the old military crossing, because I remember asking him how far it was to the old military crossing.

Q How far did he say it was? A He said it was six or seven miles.

Q How far was that from where the town of Pryor Creek now is? A I don't know exactly just how far it is; I have never been across to it.

Q Your best judgment? A It ~~was~~ been seven or eight miles, I don't know exactly.

Q How far from where Wells Vann now lives? A I don't know where he lives.

Q Do you know who lives there where ~~that~~ this place is now? A No, sir.

Q Do you know who lives in the neighborhood, near this place? A Not now I don't; I have been in that country for quite a while.

Q Was there any Cherokees living near this Ben Crimmett place at that time? A If there was I didn't see them.

Q On either side of the creek? A I never seen them if there was.

Q How old was this woman, Celia Martin, at that time? A She was between 12 and 15 years old; she was a girl.

Q Her mother wasn't with her? A No, sir.

Q Where did you live before the war? A At Double Springs.

Q How far is that from Tallequah? A Five miles.

Q Northwest? A I believe it is east.

Q East? A Yes, sir, as near as I can remember; I ain't been back there since the war. I have been to Tallequah, but not to Double Springs.

Q Where did Celia live before the war? A With her master, Joe Martin, away up Grand river.

Q How old was she when you saw her before the war? A She was a child then.

Q About how old? A I so don't tell you, a small girl.

Q Now how long before the war did it that you saw her at Joe Martin's? A Not long before the war; close up to the war.

Q What were you doing at Joe Martin's at that time? A My young boss used to go to school there, and I used to go up there.

Q How far was that from Tallequah? A I don't know; it used to take us all day to ride up there horseback.

Q How old were you when the war come up? A I was a good big boy; big enough to remember everything and know that I was a slave.

- Q Eight or nine years old? A Older than that I guess, I could get on a horse off the ground.
- Q Give some estimate? A 10 or 20, don't know exactly.
- Q How many slaves did Joe Martin have? A I don't know how many he did have, a good many of them.
- Q This girl was six or seven years old? A No, not that old, might have been, I don't know exactly.
- Q Three or four? A Must have been older than that.
- Q What is your judgment of her age when you saw her at Joe Martin's? A Must have been between nine and 12.
- Q What school did they have up at Joe Martin's? A I don't know, there was a school there, but I couldn't tell I don't know exactly.
- Q Don't you know that the Cherokee school was located at Talllequah before the war? A There was more than that, though. She sent him up there to his uncle's to compel him to go to school; there was more than that.
- Q Can you sign your own name? A No, sir.
- Q But you remember about these things before the war? A I remember what I know.
- Q Remember about this going to school up there? A Yes, sir, because a lots of times they made me go with him to accompany him to satisfy him a while, and then I come back home.
- Q And you remember this little girl among this bunch of slaves? A Yes, sir, I was young and stayed with the little ones? A How much older were you than she? A A right smart older than she, but there were other young ones there.
- Q You don't know who she come back with from Kansas? A No, sir, not exactly, whether with Jess or Ben Grizzett.
- Q Was Jess down here in the country at the time you first saw this girl? A Yes, sir.
- Q Where was he living when you saw this girl in December? A I don't know; he was living there close.
- Q Living there somewhere close to Ben Grizzett's? A Yes, sir.
- Q Across the creek somewhere? A I don't know exactly, because I don't.
- Q He was living in the ~~neighborhood~~ neighborhood? A Yes, sir, because I heard of him.
- Q This at the same time you first saw this woman? A Yes, sir.
- Q Had you seen Jess Brown up in Kansas before? A Yes, sir.
- Q Where was he living? A In Kansas, lived with his brother, George Brown.
- Q Did he and George come down here together? A George made several trips down here.
- Q Near what town were they living in ~~KANSAS~~ Kansas? A Mound City.
- Q In the town? A No, sir, in the country.
- Q Did Jess Brown and Ben Grizzett live near each other in the country near Mound City? A Not far apart; four or five miles.
- Q Neighbors? A Yes, sir.
- Q Upon whose place did Ben Grizzett live at that time and give up his rents or rental contract to come down here? A From a man by the name of Coffman.
- Q Do you remember his first name? A No, sir.
- Q And he left in the Spring of '60, did he? A Yes, sir, I come might near coming with him.
- Q What direction was this place of Coffman's from Mound City? A West.
- Q About how far from Mound City? A About six or seven miles, I judge.
- Q About how far was this Coffman place from the old man Jim Walker place? A We lived on the old Jim Walker place.
- Q How far was the Walker place from this place? A Two or three miles.

- Q How far from there did Jess Brown live? A He was staying with his brother on Big Sugar or Little Sugar.
- Q How far was that? A Five or six miles, I judge.
- Q What was the name of the creek you lived on? A I don't believe I can tell you that little old creek's name.
- Q You married up there in Kansas? A Yes, sir, I went up there and married after I come to this country.
- Q Where were you living when you first saw Ben Grinnett here in 1866? A On Big Creek.
- Q Had your father moved down there at that time? A Yes, sir.
- Q Had you moved with him? A Yes, sir, I moved ~~with~~ him with me, because I was doing all the rustling.
- Q Had the Webber detachment come down there at that time? A Yes, sir.
- Q Had the Sanders boys come at that time? A Yes, sir.
- Q They had moved down there, had they? A Yes, sir.
- Q The Whitehires had moved had they? A Yes, sir.
- Q You had located on Big Creek and Snow Creek and Verdigris? A Yes, sir, on Big Creek and Lightning and Snow Creek.
- Q It was after this time that you went and saw this woman at Ben Grinnett's? A That same fall.
- Q Where were you going at that time? A Down to Ben Grinnett's, on Pryors Creek.
- Q Down there and back? A Yes, sir, went down there and stayed all night and back next day.
- Q You know any colored people living with Ben Grinnett at that time? A No, sir.
- Q Did Ben Grinnett live in a house at that time? A A little small house; lived in a house when we left and give it up and went on---
- Q Did Ben Grinnett live in a house on Pryor Creek? A Yes, sir, a small house.
- Q Log house? A Yes, sir, I call it a pole house.
- Q Did he have a patch in around his place? A A small patch, yes, sir.
- Q Corn in it? A Yes, sir, raised a little corn; picked up corn when people fed, he told me, and planted it after they got down there.
- Q Any fence around his fields? A No, sir.
- Q How far from the creek was it? A I don't remember exactly, not far, though, for I crossed the creek; wasn't far from the house.
- Q On the west side, you say? A Yes, sir, on the west side.
- By Mr. Blue:
- Q I believe you say you don't know when Colia Martin returned to the Territory? A Not exactly, I don't.
- Q Didn't return with your people? A No, sir, come with one of them, I suppose.
- Q With who? A Jess Brown or Ben Grinnett, one of the two.
- Q Is Ben Grinnett alive or dead? A He is alive.
- Q Where does he reside? A Nowata.
- Q Is Jess Brown living or dead? A Dead.
- Q Do you know whether or not Ben Grinnett was on the authenticated roll of 1860? A Yes, sir.
- Q Was he on that roll? A Yes, sir.

GEORGE WEST VAN, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A George West Van.
- Q How old are you? A 53 years old.
- Q What is your postoffice address? A Lenapah.
- Q You are an applicant for enrollment as a Cherokee freedman?
- A Yes, sir.

- Q Do you know the applicant in this case, Mariah Boudinot? A Yes, sir, I know her.
- Q How long have you known her? A I have knowed her ever since she was a little child.
- Q About how old is she now? A Best of my recollection about 25 or '6.
- Q Did you know her mother? A Celia Martin she was first.
- Q Was Mariah's mother the slave of a Cherokee citizen before the war or do you know? A Yes, sir.
- Q Who did she belong to? A Joe Martin.
- Q Did Celia Martin or Bacon go out of the Cherokee Nation during the war? A I never seed her go out; I don't know.
- Q You don't know anything about that? A No, sir, I wasn't; I don't know; I heard it, but don't know it.
- Q Did you go out of the Cherokee Nation, yourself? A Yes, sir.
- Q What year did you come back to the Cherokee Nation? A '66.
- Q When did you first see Mariah Boudinot 's mother in the Cherokee Nation after the war? A I first saw her in '66, at the time they read the treaty at Tahlequah.
- Q Was she at Tahlequah, living there----? A With uncle Ben Grimmett.
- Q Was she living at Tahlequah, you say? A Yes, sir.
- Q You don't know anything about when she returned or who she came back with? A With Ben, I reckon, she was with him.
- Q Was she married then? A No, sir, a little girl.
- Q When did she die? A I believe it has been about four years.
- Q Four years ago? A Yes, sir, I think so.
- Q Do you know whether or not she lived in the Cherokee Nation from the time you saw her in '66, until the time of her death? A The next time I saw her was with Jess Brown.
- Q Where was that? A On the Verdigris river.
- Q In the Cherokee Nation? A Yes, sir.
- Q Do you know where she was living in the year 1880, when the 1880 roll was made? A No, sir.
- Q You can't offer any explanation as to why her name does not appear on that roll? A No, sir.
- Q You don't know by what name she was known at that time? A No, sir.

By Mr. Blue:

- Q Did you ever know her by any other name except Celia Martin until after her marriage to Bacon? A No, sir, said to be preacher Martin's daughter.
- Q You say you didn't see her go out of the Cherokee Nation during the war, did you see her out of the country during the war? A No, sir.
- Q Did you see her before the war? A I saw her with Aunt Mary just before the war come up.
- Q Who was Aunt Mary? A Aunt Mary Martin.
- Q Where did you first see her after the war? A At Tahlequah.
- Q At whose place? A Staying with Uncle Ben Grimmett.
- Q Did you see her there more than once? A No, sir, I just went down there, and when I come back Uncle Ben moved on Pryor Creek.
- Q Why did you go there at that time? A To hear the treaty read.
- Q Treaty of 1866? A Yes, sir.
- Q What time was that, you say you saw Celia Martin there? A November, I believe.
- Q Of what year? A '66, November, '66.
- Q When did you next see her after that? A Up on Verdigris with Jess Brown.
- Q Verdigris river? A Yes, sir.
- Q That in the Territory? A Cherokee Nation.

- Q How often did you see her after that time? A Once in a while in going around, I don't know how often.
- Q When did you see her on the Verdigris river, as you stated? A In '70, '74 or '75, somewhere along there.
- Q Do you know when she died? A About four years ago, as well as I can recollect.
- Q Where? A At Nowata.
- Q Did you attend her funeral? A No, sir, I come down after she was dead.
- Q How long had she lived at Nowata before her death? A I don't know; she lived in the bottom before, but I don't know how long before she lived at Tahlequah.
- Q What do you mean by bottom? A In the Verdigris river bottom.
- Q In what Nation is that? A Cherokee Nation.
- Q Indian Territory? A Yes, sir.
- Q From the time you saw her at Tahlequah until her death where did she reside, if you know? A I don't know; I was, I saw her in '74 or '75, I saw her at George Brown's.
- Q From that time up to her death where did she reside? A Most of the time down on the river.
- Q In the Indian Territory all the time up till her death? A As well as I can recollect, yes, sir, I didn't see her out of the Territory.
- Q You had some knowledge of her whereabouts, seeing her frequently? A Just like I would see you or anybody else around once in a while.
- Q You know Mariah Boudinot, do you? A Yes, sir.
- Q How long have you known her? A Ever since she was a little bitty child.
- Q Where was she born? A I don't know, but I seen her when she was a little bitty child down on the river.
- Q In what Territory? A Indian Territory.
- Q How old was she then? A About a year.
- Q Since that time where has she resided? A I have never known her to reside anywhere but in the Cherokee Nation.
- Q How frequently have you seen her? A Pretty often.
- Q About how many times a year? A I couldn't tell you, a good many times in one year, and then maybe not more than once.
- Q From that information where has she resided since birth? A From my information she has always resided in the Cherokee Nation.

By Mr. Hastings:

- Q How old was Celia Martin when you first saw her after the war? A I don't know.
- Q Can't you estimate it? A Just a girl, when I first saw her.
- Q About how old? A She looked about 12 or 15 years old.
- Q How old was she when you last saw her before the war? A Just a little girl, three or four years, maybe so, maybe older, I couldn't tell.
- Q What is your best judgment? A She was between four and five year old, I would judge.
- Q Where was she living at that time? A Joe Martin's on the river.
- Q Joe Martin lived on Grand River at that time? A Yes, sir.
- Q Where did you live before the war? A On Spring Creek.
- Q How far was that from Joe Martin's? A It is about, my best judgment, about 25 miles.
- Q Did you ever see this girl in Kansas? A Never as I know of.
- Q You know whether she was in Kansas? A I saw her mother in Kansas; they say she was.
- Q I mean Celia Martin, mother of Mariah? A Yes, sir, I saw her mother in Kansas, but not her.
- Q Where did you see her mother? A Mound City.
- Q In town? A Close to the town.
- Q What direction from town? A Southwest.

- Q Who was she staying or living with at the time? A George Brown.
- Q Do you know whether George had a place of his or on someone else's?
- A I don't know; I just seen him there and stayed all night with him.
- Q You had been to Tahlequah before you mention see her at Ben Grimmett's? A No, I didn't go till they read the treaty.
- Q Hadn't you been there after the war before that? A No, sir.
- Q Now you think that was in November of '66? or what month? A The reason I know it was November, because they read the treaty in that month.
- Q I am asking you if that is the time? A Yes, sir.
- Q Were you at Ben Grimmett's house at that time? A Yes, sir.
- Q In what part of the town did he live? A He was living at that time right close to where old aunt Jennie Sanders lived.
- Q Keeping house? A I guess so; he was in a house.
- Q Did he have some household effects? A Yes, sir.
- Q Were you in his house? A Yes, sir.
- Q You saw this girl there? A Yes, sir.
- Q Did he say how long he had been there? A No, sir, I didn't ask him.
- Q Didn't talk about that? A No, we come off in the Spring.
- Q You heard of his being at Tahlequah after that? A Yes, sir.
- Q You heard he went from near Mound City? A No, sir, I don't know where he lived in Kansas.
- Q You never knew of his being around Mound City? A No, sir.
- Q And yet you heard of his leaving there in the Spring? A Yes, sir.
- Q Where did he leave? A I heard of his leaving from Fort Scott.
- Q You don't seem to be certain about that? A I didn't see him, because when we come through everybody knowed him, told us who had gone ahead, and who was going with us and who was coming.
- Q You know where you heard it? A At Fort Scott.
- Q How far is Mound City from Fort Scott? A It may be fifteen miles, maybe farther; I didn't measure it.
- Q You didn't have a tape line? A No, sir.
- Q You didn't see Ben there? A No, sir.
- Q You made inquiry and heard Ben had gone to Tahlequah? A Didn't inquire.
- Q Someone told you that? A Yes, sir.
- Q Who told you that? A Ellis Grimmett, his brother, old Aunt Becky Webber and several more.
- Q They were back up there? A Yes, sir, they had gone on.
- Q You especially remember that conversation? A Yes, and more, but you haven't ask me.
- Q The first time you heard of Ben after you come down here, he was at Tahlequah? A I heard of him at Tahlequah, yes, sir.
- Q He was living at Tahlequah the first you heard of him? A Yes, sir.
- Q Had you heard of his living there before you went there? A Old uncle Sam Webber come by Spring creek; he had been to Tahlequah; and told us Ben Grimmett was there.
- Q How long was that before you went? A Two or three weeks; don't know exactly, I went to Gibson first.
- Q It may have been a month or two? A Not that long.
- Q Well, do you know how long Ben had been living there before you saw him? A He went right from Fort Scott, I understand.
- Q And his surrounding showed that he had been living there five or six months? A Yes, sir.
- Q Did you make inquiry about how long he had lived at Tahlequah?
- A I was just a boy and didn't ask.
- Q You never asked any questions, and he didn't? A No, sir, only about who come.
- Q You remember seein this girl there? A Yes, sir.
- Q That was in 1866? A Yes, sir.

- Q How long did Ben continue to live at Tahlequah? A I don't know; he moved on Pryors Creek after that; I don't know how long.
- Q About how long? A I just couldn't tell you.
- Q Your best judgment about it, when he moved up on Pryors Creek?
- A According to what he told me just about Christmas sometime.
- Q What year? A '66, the same year we come from Kansas.
- Q Had you been on Pryor Creek? A No, I never went to Pryors Creek till we come to kill beef there.
- Q You never passed along there? A No, sir.
- Q When did you come there first? A In the winter about, I never went on Pryors Creek until I went on the horse hunt case.
- Q When was that? A In January, 1867.
- Q Did you see uncle Ben there then? A Yes, sir.
- Q You had seen him at Tahlequah in November before? A Yes, sir, then he moved from there.
- Q He had moved between November of 1866 and January of 1867? A Yes, sir, sometime between those two dates.
- Q Did he live in a house when you saw him there the first time at Pryors Creek? A Yes, sir, in a cabin.
- Q Did he have a field about his place? A Didn't notice it; never had time to make a field.
- Q Did he plant corn there the year before? A I just told you he come in '66.
- Q If he lived at Tahlequah in November, '66, and he moved there after that, it would have been too late to plant corn, wouldn't it?
- A Yes, sir, I think so.
- Q Did you ever hear of anybody planting after November of that year? A No, sir.
- Q You didn't see any corn there? A No, sir.
- Q You are positive? A Yes, sir.
- Q There couldn't have been any, could there, that he planted? A No, sir, of course not.
- Q Where was this you saw him on Pryor Creek? A I saw him up there above the old Bill Sunday place.
- Q How far from where Pryor Creek now is? A It is there yet.
- Q The town of Pryor Creek? A This side of the place where old aunt Sarah used to live, you know where that is.
- Q Tell us about how far that is from where the town of Pryor Creek now is? A I don't know.
- Q Give us your best judgment? A 5, 6 or seven miles.
- Q As far as twenty? A No, sir.
- Q What direction is it from where the town of Pryor Creek now is?
- A It was below Pryors Creek station.
- Q South? A Yes, sir.
- Q On which side of Pryor creek did Ben Grimmet live, east or west? north or south.

Mr. Blue: We object to this testimony; he has just asked about which side.

Commission: Objection noted; witness will answer.

A It was the west side, I told you.

Q The creek runs north and south along there? A Yes, sir.

Q About how far from the creek did he live? A I don't know; it may have been a quarter or half a mile, maybe not so far.

Q Any other colored people or Cherokees live around there at that time? A Henry Melton, Aunt Sarah and a lot of them, Bill Sunday, and they lived below that.

By Mr. Blue:

Q That was in January, 1867? A Yes, sir.

Q Do you know how long he had been there? A No, sir.

Q Do you know how long he stayed there after that? A No, sir.

- Q From that place or somewhere down in the country he moved to the Verdigris, I believe you say? A Yes, sir, he moved up on the Verdigris river.
- Q You don't know where uncle Ben Grimmett was in the spring of 1866? A Everybody that knowed him said Ben come off from there in the Spring of '66.
- Q You don't know of your own personal knowledge? A No, sir.
- Q You don't know where Ben Grimmett cropped that year? A No, sir.
- Q First you saw of him in 1866, was in Tablequah? A Yes, sir.
- Q Do you know how long he had been there before that time? A No, sir.
- Q You don't know where she first come to? A No, sir.
- Q You don't know where he cropped during that crop season? A No, sir.
- Q You don't know how long he remained at Pryors Creek after you saw him there in January, 1867? A No, sir.
- Q The occasion of your going to Tablequah was to hear this treaty of 1866 read? A Yes, sir.
- Q Do you know whether Ben Grimmett was there temporarily or whether he lived there before? A I don't know.
- Q When you found him there, he was in a house? A Yes, sir.
- Q But you don't know how long he had been there? A No, sir.
- Q Did he ask you where, or tell you where he had been? A No, sir, he just asked me how long we had been down from the north.
- Q Was the treaty read at that time? A Yes, sir.
- Q At what place? A Right where the square is not at Tablequah.
- Q Not at Uncle Ben Grimmett's house? A No, sir.
- Q And was that an occasion of the gathering of the freedmen? A Yes, sir, were ~~never-there-~~ notified to come there to hear the treaty read; were notified by Lewis Downing.
- Q Then you don't know but what Ben Grimmett just came there temporarily? A No, sir.
- Q You don't know where he came from? A No, sir, except they told me he came from Linn county in '66.

By Mr. Hastings:

- Q Was Lewis Downing Chief then? A No, sir, Bill Ross was Chief at that time.

CORNELIUS BACON, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Cornelius Bacon.
- Q How old are you? A 56 years old, 57.
- Q Are you a Cherokee freedman? A No, sir.
- Q Do you know the applicant in this case, Meriah Boudinot? A Yes, sir.
- Q What relation is she to you, if any? A My daughter.
- Q What was the name of her mother? A Celia.
- Q Celia Bacon? A Celia Martin.
- Q Celia Bacon after she become your wife? A Yes, sir.
- Q Was Celia Bacon, or Martin, the slave of a Cherokee citizen before the war? A They said she was.
- Q You don't know? A No, sir.
- Q When did you first get acquainted with her? A In '66.
- Q Where was she then? A On the Verdigris river.
- Q In the Cherokee Nation? A Yes, sir.

By Mr. Blue:

- Q How old is Meriah Boudinot? A She will be 27 her next birthday.
- Q Where was she born? A In the Cherokee Nation.

- Q Where has she resided since birth? A In the Nation, right close to where she is now.
- Q Has she ever resided in any other place than in the Cherokee Nation during that time? A No, sir, only about nine months.
- Q Where was she then? A Winfield, Kansas, going to school.
- Q When was that? A About seven years ago, I think it was, since I sent her up there to school.
- Q Was she there for any other purpose than simply to attend school? A She went there in September and stayed nine months and come home.
- Q Did she have a home there? A No, sir.
- Q Where was her home during the time she was there? A At my place.
- Q She has resided all her life in the Indian Territory? A Yes, sir.
- Q When did you first meet Celia Martin? A First met her in '68.
- Q Had you known of her before that time? A No, sir.
- Q What time in '68 did you meet her? A I come on the Verdigris river the 8th day of April, '68, and I think the 8th day was on Tuesday; I went up there and I saw her the next Sunday week after I come on the Verdigris river.
- Q Saw Celia Martin? A Yes, sir.
- Q From that time until the time of her death where did she reside? A On the river.
- Q What Territory? A Cherokee Nation.
- Q Indian Territory? A Yes, sir.
- Q Where did you and she reside after you and she went to living together? A Right there in the Cherokee Nation, right on the Verdigris river.
- Q Verdigris bottom? A Yes, sir.
- Q When did you go there to live? A It has been about 20 years; we settled in that bottom 27 years ago, I think, about the eighth or ninth of last January.
- Q How long did you continue to reside there in the bottom? A Been there all the time, excepting about six years.
- Q Did you remove from the bottom then? A Yes, sir.
- Q Where to? A Nowata.
- Q What Territory is that? A Cherokee Nation.
- Q Indian Territory? A Yes, sir.
- Q How long did you continue to reside at Nowata? A There yet; my wife died there.
- Q Did you reside at Nowata up to the time of her death? A Yes, sir.
- Q Then you lived there in the bottom until you moved to Nowata? A Yes, sir.
- Q And lived there until she died? A Yes, sir.
- Q How soon after you saw her in April, 1868, did you go to living together? A I couldn't say; when I saw her she was nothing but a little girl.
- Q Did she reside in the Territory at all times after you first saw her till her death? A So far as I know, yes, sir. A part of the time, about three years, I was just out and in; I went to Elgin, Kansas, when the new country was settled.
- Q Did you come back from Elgin, Kansas? A Yes, sir, and been right there on the Verdigris ever since.
- Q Was Celia in the Territory when you left? A Yes, sir, and when I come back.
- Q When did you leave for Elgin? A I went away from there in the fall of '69; I come back in the Spring of '70, and then I come back in the fall of '70; there was no colored people where I went and I was back and forth.
- Q Where did Celia Martin reside when you first met her in April, 1868? A On the Verdigris river, right across from Goodys Bluff, with Jeas Brown.
- Q Living with his folks? A Yes, sir.

Q What relation is she to Brown's folks? A Sister-in-law to Brown.

Q Jess Married her sister? A Yes, sir.

By Mr. Hastings:

Q Jess Brown was living there on the Verdigris? A Yes, sir.

Q You never saw this woman until 1868? A '68.

Q On which side of the Verdigris was Jess Brown living? A West side.

Q Near what town now? A Nowata.

Q How far east of Nowata? A Four miles.

Q In the bottom? A Up on the old John Brown place.

Q How far from the Verdigris? A You might say right on the bank.

By Mr. Blue:

Q Do you know any reason why your wife wasn't on the authenticated roll of 1880? A No, sir.

Q Did you ever know of her by any other name than Martin or Bacon?

A No, sir, she belonged to a Martin and her father was a Martin and she always went by that name.

Q You never knew of her going by any other name? A No, sir.

By the Commission:

Q Where was she living in 1880? A In the Verdigris bottom; place called the Overcup bottom.

Q Was she your wife at that time? A 1880, yes, sir.

Q You don't remember anything about the census takers having come around during the year 1880? A Yes, I think I do; I think they come around.

Q You don't know why they didn't put your wife's name upon the roll?

A No, sir, I don't.

By Mr. Blue:

Q Do you know whether the census takers come around to take the names of any of her family or made any enrollment of them? A Nobody but Jess Brown; she wasn't living with him.

Q You were living together as man and wife then? A Yes, sir.

Q Do you know whether Jess Brown's wife was enrolled or not? A She was.

Q Do you know whether she was on the census roll of 1880? A They said she was.

By the Commission:

Q What was the name of Jess Brown's wife in 1880? A Lucinda Brown.

Q Did they have any children at that time? A Sis or Sarah Anderson and Jess.

Q Did they have any more that you remember? A Yes, I would not say they were there in 1880, but he had Willie, Bertha, Polly, Becky and Osa.

The 1860 roll, authenticated roll of citizens of the Cherokee Nation examined and the following names appear, Cooweescoowee District:

Jesse Brown, 290, adopted colored, age 47;

Lucinda Brown, No. 291, adopted colored, age 28;

Sarah Brown, 292, adopted colored, age 13;

and the following other children just below:

Anderson Brown, Jesse Brown, Jr., Willie Brown, Polly

Brown and L. B. Brown.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and moves to exclude all the testimony of the witness with reference to the enrollment of Jess Brown and his family, and, also

the record taken from the authenticated roll of 1880 with reference to the enrollment of one Jess Brown and wife and family, for the reason that the same is irrevelant, immaterial and throws no light whatever upon the enrollment of the mother of the applicant any more than the 1880 enrollment of any other of the various families found thereon.

Commission: Objection will be noted.

By Mr. Blue:

Q I believe that you have stated in your testimony that Jess Brown's wife was a sister to your wife? A Yes, sir.

Q State whether or not they were half sisters?

Mr. Hastings: Objected to by the Cherokee Nation for the reason that the same is irrevelant and immaterial; one or both of them may have been slaves of Cherokee citizens; one or both of them may have returned within the time, and one may be entitled and the other not, and, therefore, the same is irrevelant and immaterial.

Commission: Objection noted; witness will answer.

A I don't know; I don't think they was.

Q State whether or not they were daughters of the same mother?

Mr. Hastings: Objected to for the reasons hereinabove assigned to the last question.

Commission: Objection noted; witness will answer.

A They was.

SAM WEBBER, re-called:

By Mr. Blue:

Q Mr. Webber, I again call your attention to the relationship between Celia Martin and Jess Brown's wife? A Sisters----

Q Were they half sisters?

Mr. Hastings: Objected to by the Cherokee Nation for the reason that the same is irrevelant and immaterial, and for the additional reason it tends to a like question hereinbefore propounded to Cornelius Bacon.

Commission: Objection noted; witness will answer.

A I couldn't say; they had one mother; I don't know about the fathers.

Q Were they daughters of the same mother? A Yes, sir.

Q At the time of the taking of the authenticated roll of 1880 with whom was Celia Martin residing, if you know? A She was with her mother then; they was living with Jess Brown's brother, George Brown, at that time.

Q Were they residing with George Brown as members of his family?

A Yes, sir, he was taking care of the mother; he had on of her daughters.

By the Commission:

Q Give the names of some of the family of George Brown? A George and Mandy Brown.

Q Any children? A Yes, sir, Rachel Brown was living then; she died afterwards.

Q In Cooweescoowee District? A Yes, sir.

The 1880 authenticated roll of the citizens of the Cherokee Nation examined for George Brown and he is not found thereon; neither is his wife or children mentioned by the witness.

By Mr. Blue:

Q Who was the mother of Celia Martin? A The mother of Celia Martin was named Mary Taylor.

By the Commission:

Q Was she living in 1880? A I think she was dead.

Q If living in what district would she be? A Cooweescoowee.

Q She would have been known as Taylor? A Yes, sir.

The 1880 authenticated roll of Cherokee citizens examined and the name of Mary Taylor not identified thereon.

Mr. Hastings: In order to understand the reason for the introduction of certain record testimony the representatives of the Cherokee Nation desire to state that, in order to contradict the witness Sam Webber who testified in this case, it is asked that the decision of the Commission in the case of Daniel Whitmire, F. D. 434, and the case of Phyllis Whitmire, now F. R. 354, formerly F. D. 431, be copied into and made a part of the record in this case, and as a reason therefor it is stated that this Commission has already adjudicated the time of the return of the Webber detachment, together with the return of the Sanders' family and the Whitmire family referred to by the witness Sam Webber upon the stand as having been made prior to the time he testified, and in these cases, particularly that of Daniel Whitmire, a very great deal of testimony was introduced upon this proposition and the time of their return adjudicated by the Commission.

Mr. Blue: We enter an objection to this as incompetent, immaterial and irrelevant, and for the further reason that the applicant for enrollment is not a party to any of these so-called adjudications and has not had her day in court therein, and for the further reason that it gives no opportunity for a cross-examination of the witnesses whose testimony is elicited in the cases referred to, and for the further reason that the attention of the witness Webber was not called to these matters, nor the ground laid for the purpose of contradicting him, and still further that any judgment of the return of the Webber detachment or other case or judgments to the contrary would not be binding upon this applicant and could not affect or destroy her rights in the premises and are not such adjudications as bind any persons who are not parties to the applications in which these adjudications are claimed to have been made, as each application stands upon its own merits and has a different subject matter from every other application, and that said adjudications do not come within the rule of Res Adjudicata.

Commission: Objection will be noted and copies of the decisions stated by the Cherokee Nation's attorney will be made part of the record in this case and considered subject to the objections of the attorney for the applicant.

Mr. Hastings: In order to contradict the witness George West Vann who testified in this case, and to show him to be entirely unworthy of belief, and to show what contradictory statements he has made, the Cherokee Nation asks that the statement of George West Vann made upon this date in the case of Susie Harrison, Freedmen R. 15, together with his statement made in the same case on October 23, 1901, be introduced and made a part of the record in this case.

Mr. Blue: The representatives of the applicant object to that as being incompetent and immaterial and wholly irrelevant, because contradictory statements made in an entirely different application, having no connection with this application, are not competent to

introduce to effect the testimony of a witness who had testified herein, and especially so when such statements do not contradict any part of said witness' testimony in this application. An issue of veracity tried in an entirely distinct application can have no bearing in this. The attorneys for the applicant still further object for the reason that the witness wasn't challenged to the statements made in the Harrison application, nor any question asked him as to what he testified in that case or the truthfulness thereof, denying thereby the opportunity to said witness to explain any inconsistency of it that might be claimed to exist while he was upon the witness stand.

Mr. Hastings: In reply to the objections made by counsel for the applicant the representatives of the Cherokee Nation desire to further add that it has been a known policy of this Commission to seek after the truth regardless of technical objections, and it has been the policy of this Commission to look into and inquire as to reputation of the witnesses and it has been the policy of the Department in a great number of cases to refer one case to another where witnesses have testified at variance with other statements in other cases, and if this witness had directly contradicted himself on a material point in the Harrison case, and it is shown in that case that he was reckless of his statements, we think it is perfectly proper that the attention of the Commission be called to it in determining what weight they shall give to his testimony in this case.

Mr. Blue: In reply to the statement made by the representative of the Cherokee Nation, counsel for this applicant says that applicant's attorneys recognize the force of the liberal ruling of the Commission in matters of the character of the application in hearing, but we have never understood it to be the policy of any Department of the Government of the United States, nor any bureau or Commission therein, to disregard the settled rules of judicial determination in regard to the impeachment of witnesses that are brought before them. It is a principle of law that older than the government, itself, that a witness may be impeached by the testimony of those who know his reputation for truth and veracity in the community where he resides, or his testimony may be affected by establishing that he has made statements outside of court at variance with those he gives in testimony upon the same subject, but so far as counsel is informed it never has been the policy of any department of bureau of this government to offer the testimony of a witness in a case entirely distinct from the one on hearing, upon different subject matter, and having no connection with the matter in hearing. To introduce the testimony of the witness George Vann given in the Harrison case is to put into this trial of this application an independent issue as to whether or not George Vann has testified truthfully and consistently in the Harrison case, so as to affect the truthfulness and veracity of said witness in this case. It is wholly incompetent and immaterial and irrelevant and should be excluded.

Commission: The request of the Cherokee Nation's attorney will be complied with. A copy of the testimony referred to in the Harrison case, will be filed and made a part of the record in this case, subject to the objections of the attorneys for the applicants.

Mr. Blue: The attorneys for the applicant desire to call the attention of the Commission to the opinion of Assistant Attorney General, Frank L. Campbell, dated December 23, 1903, approved by the Secretary of the Interior on the same date, in the application of Dan. Campbell for enrollment as a Cree freedman, and particular

attention is called to the following wording in said letter:

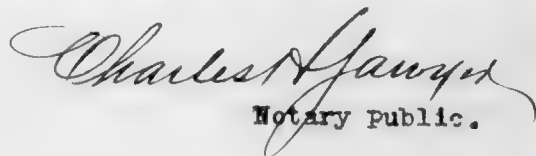
"The natural import of the provision that descendants born since the date of said roll to persons whose names are found thereon is that the parent, or nearest ancestors living at the date of such roll, is the 'person' intended through whom the applicant must obtain his rights."

o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he made and reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this the 5th day of July, 1904.



Notary Public.

Mustang, Indian Territory, July 9, 1904.

Received of the Commission to the Five Civilized Tribes,
one copy of the testimony in the matter of the application for the
enrollment of Mariah Bordinski
and her heirs for citizenship.

R. H. Blunt and S. S. Clouse
Attorneys for Applicants.

Cherokee Freedmen D 434.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F.P.T.

CR

In the matter of the application of Daniel Whitmire for enrollment as a Cherokee Freedmen.

DECISION.

The record in this case shows that on May 29, 1901, Daniel Whitmire appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment, among others, of himself as a Cherokee Freedman. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 4, and May 26, 1902.

The evidence shows that the applicant, Daniel Whitmire, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, afterward returning thereto with Peter Meigs and Sam Webber and their families and claims that said return was in the fall of 1866; but the Commission has found, in the case of Klizabeth Meigs, Cherokee Freedmen D 391, that, though Peter Meigs, together with Sam Webber and others, returned to said Nation prior to January 19, 1867, they did not bring their families with them until a subsequent trip made in February or March of 1867. Hence, it appears that the said Daniel Whitmire, who came with said families, did not return to the Cherokee Nation within six months after July 19, 1866, and his name is not found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for enrollment of Daniel Whitmire, as a Cherokee Freedman, should be denied under the provisions of section twenty-one of the Act of Congress approved June 20, 1899 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Lixby, Chairman.

- * T. . Needles, Commissioner.
- * C. . Breckinridge, Commissioner.
- * T. E. Stanley, Commissioner.

Muskogee, Indian Territory,

this JUL 1 - 1903

Cherokee Freedmen D 431.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. S. T.

In the matter of the application of Phyllis Whitire for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on May 29, 1901, Phyllis Whitire appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 28 and 29, 1902. The evidence taken in the case of Edward Wright, Cherokee Freedman D 616, at Muskogee, Indian Territory, March 4, 1902, is filed with and made a part of the record in this case.

The evidence shows that Phyllis Whitire was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion she was taken out of the Cherokee Nation and did not return thereto until after January 18, 1867. Her name is not found on the 1868 authorized roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Phyllis Whitire for enrollment as a Cherokee Freedman should be denied under the provisions of section twenty-one of the Act of Congress approved June 20, 1866 (U. S. Stats., 497), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tom Nixby, Chairman.

- " T. J. Needles, Commissioner.
- " C. R. Brashear, Commissioner.
- " W. H. Stabler, Commissioner.

Dated at Muskogee, S. T.,

this JUL 10 1903

66.
Cherokee Freedmen D 441

A-7m^a

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mariah Boudinot as a Cherokee Freedman.

---:---

D E C I S I O N .

THE RECORD HEREIN SHOWS: That on June 24, 1901, Mariah Boudinot appeared before the Commission to the Five Civilized Tribes at Nowata, Indian Territory, and made application for the enrollment of herself, her husband, Aleck Boudinot, and minor son, Alexander Boudinot, as Cherokee freedmen. As the said Aleck Boudinot is differently classified, and the said Alexander Boudinot has been heretofore enrolled, they will not be embraced in this decision.

The record further shows that on July 1, 1903, this Commission rendered its decision herein, enrolling Alexander Boudinot, and denying Mariah Boudinot the right to enrollment as Cherokee freedmen. Departmental letter of May 2, 1904 (I.T.O. 326-1904), affirmed said decision as to Alexander Boudinot and remanded the records for further investigation as to the right to enrollment of Mariah Boudinot. Supplemental proceedings in the matter of said application were had at Muskogee, Indian Territory, June 17, 1904. A copy of the testimony of G. W. Vann taken at Vinita, Indian Territory, October 23, 1901, and at Muskogee, Indian Territory, June 17, 1904, in Cherokee Freedmen D 1037, and decisions rendered by this Commission in Cherokee Freedmen D 434 and Cherokee Freedmen D 431, July 1, 1903, and July 10, 1903, respectively, are filed herewith, and made a part of the record in this case.

THE EVIDENCE HEREIN SHOWS: That one Celia Bacon, nee Martin, is the mother of the applicant, Mariah Boudinot; that the said Celia Bacon, nee Martin, was the slave of a Cherokee citizen at the commencement of the rebellion; that she removed from the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee,

etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation, and continuously resided therein until her death, some four years ago.

The evidence further shows that the applicant, Mariah Boudinot, was born since 1866, and has continuously resided in the Cherokee Nation during her life.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That its decision rendered by the Commission to the Five Civilized Tribes on July 1, 1903, wherein Mariah Boudinot was denied the right to enrollment as a Cherokee Freedman, be reversed, insofar as it affects her, and that, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mariah Boudinot is entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly granted.



Commissioner

Dated at Muskogee, Indian Territory,
this JUN 27 1906

Refer in reply to
the following:
LAND
50777-1903.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Jan'y 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Maria Boudinet, for the enrollment of herself and her minor child Alex. Boudinet, Jr., as Cherokee freedmen.

On July 1, 1903, the Commission rendered a decision in this case finding that the said Maria Boudinet made personal application before it for the enrollment of herself and said minor child, and that the application ^{also} included Alex. Boudinet, Sr., but that as he is differently classed, his case is not embraced in this decision. The Commission further finds from the evidence that the applicant, Maria Boudinet, was a slave of a Cherokee citizen at the commencement of the Rebellion, and that she left the Cherokee Nation during the Rebellion, and did not return thereto until February 1865. The Commission further states that her name is not found on the 1850 authenticated Cherokee roll. It is further decided on the evidence that the applicant Alex. Boudinet, Jr., was about one year old at the date of this application; that he is the son of Maria and Alex.

(2)

Boudinot, the latter of whom is identified on the 1880 authenticated Cherokee roll and that he has resided in the Cherokee Nation for about twenty years immediately preceding the date of this application, and that the son Alex. Boudinot, Jr. has resided in said Nation continuously since birth.

By reason of the foregoing facts and findings the Commission is of the opinion that Alex. Boudinot, Jr. should be enrolled as a Cherokee freedman in accordance with the provisions of Section 21, of the Act of Congress approved June 20, 1898, (30 Stats. 495), and that the application for the enrollment of Maria Boudinot as a Cherokee freedman should be denied, under the provisions of said Section 1.

I have examined the testimony submitted in this case on behalf of these applicants, and there seems to be no question but what the said Alex. Boudinot, Jr. should be enrolled as a Cherokee freedman citizen of the Cherokee Nation, but as to that part of the decision of the Commission denying the application of Maria Boudinot, I am not so certain.

She testifies that she is twenty-four years old; that her father's name was Cornelius Bacon, that he is living; and that her mother's name was Gelia Bacon, that she is not living; that her husband Alex. Boudinot is living, and that his name is on the 1880 Cherokee roll of the Cherokee Nation, which latter statement is substantiated by the enrollment of Alex. Boudinot. She further testified that she has heard of a woman named Jennie Boudinot, the former wife of the said Alex. Boudinot, that she is now living, and on

(3)

cross-examination she testifies that the said child was born before she married the said Aleck Boudinot. Witness then testifies that she was born in the Nation and has lived there ever since, excepting nine months when she was going to school in Kansas. Her father, Cornelius Bacon, testifies that he is fifty-four years old, and that he is a Chickesaw citizen; that his said daughter was born in the Cherokee Nation where she has lived all her life. He further testifies that he has known his wife, Celia Martin, ever since 1862, and that she remained in the Nation up to the time of her death. He further testifies that his wife belonged to Joe Martin, a Cherokee citizen, but he does not know about her having been taken out of the Nation during the war, or when she returned.

Allen Lynch, the next witness, testifies that he is sixty-one years old; that his name is on the 1850 Cherokee roll; that he knows Maria Boudinot, and also knew her mother, Celia Martin; that the said Celia Martin was a slave and belonged to Joe Martin at the close of the war, but states that he does not know when she came back to the Nation after the war.

The witness Columbus McNeir testifies that he is fifty-one years old; that he knows Maria Boudinot; that her mother was Celia Martin, who married Cornelius Bacon; that the mother of the applicant was a slave and belonged to Joe Martin, who was a Cherokee citizen, and that he never saw her until February 1867, down on Pryor Creek with JESS BROWN. Witness further testifies that he knows the said Celia Martin continued to live in the Cherokee Nation until her death, and died while a resident therein, and that he knows her said child,

(4)

Maria Boudinot, was born in the Cherokee Nation. On being recalled, the said witness McNair testifies that he knew Celia Martin before the war; that she lived down on Cabin Creek at "Old man Joe Martin's" and belonged to him.

I do not consider that this testimony establishes the fact that the mother of Maria Boudinot complied with the provisions of the treaty of 1866; nor do I consider that the testimony shows that she did not comply with said provisions. It is very apparent that Celia Martin was a resident of the Cherokee Nation many years ago, and it is possible that she may have returned to the Nation within the proper time. In other words, I do not consider this testimony satisfactory so far as she is concerned, and if there is any testimony to be had which will clearly show either that she did return to the Nation within the proper time or that she did not so return, it ought to be made a part of the record in this case. The Nation does not present any testimony adverse to the claim of the applicant, although the attorney for the Nation was present at the examination of the witnesses called.

I am of the opinion that this case ^{ought} to be remanded to the Commission, and that it be directed to give notice to both the applicant and the attorneys for the Nation, that any additional testimony they may have throwing new light upon the claim of this applicant will be heard at a time to be determined by the Commission.

As to what rights this applicant, Maria Boudinot, may have as an intermarried Cherokee freedman is not passed upon at this time.

Very respectfully,

W. C. B. -L.S.

(Signed) W. A. Jones, Commissioner.

Copy

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 15, 1904.

Land
43336-1904.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes, dated July 10, 1903, forwarding the record relative to the application of Daniel Whitmire, as a Cherokee freedman. The record in this case shows that Daniel Whitmire was the slave of a Cherokee citizen at the commencement of the war; that he left the Cherokee Nation and afterward returned with Peter Meggs and Sam Weber and their families, but it does not appear that he returned within the time limit fixed by the treaty of 1866, and the approval of the Commission's decision of July 10, 1903, adverse to him, is recommended.

Very respectfully,

A. C. Tonner.

Acting Commissioner.

G.A.W.-H.C.

D.C.-13484-1904

Copy

DEPARTMENT OF THE INTERIOR,

THE

Washington, April 26, 1904.

I.T.D. 2294-1904.

SRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 1, 1903, you rejected the application of Daniel Whitmire for enrollment as a Cherokee Freedman. You stated that the applicant claimed to have returned to the nation in 1866, with Peter Meggs and Samuel Weber, but that you had found, in the case of Elizabeth Meggs (Cherokee Freedman D-391), that though Peter Meggs, together with Sam Weber and others returned to the nation prior to January 19, 1867, they did not bring their families with them until a subsequent trip made in February or March, 1867.

As you have been advised that you are in error as to the period of six months provided in the treaty of 1866; that the six months period did not expire until February 11, 1867, and as the Department has been verbally informed by the Indian Office that the papers in the case of Elizabeth Meggs have been returned to you upon your request, the papers in the case of Daniel Whitmire are returned herewith for readjudication.

A copy of the Acting Commissioner of Indian Affairs' letter of March 15, 1904, submitting the case, in which it is recommended that your decision be concurred in, is inclosed.

Respectfully,

Signed Thos Ryan,
Acting Secretary.

2 inclosures.

D C 14378-1904.

COPY

J. V. H.

I. T. D. 336-1904.

DEPARTMENT OF THE INTERIOR,

J. V.

D. C. 1.

WASHINGTON.

PER

May 7, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the record in the matter of the application of Maria Boudinot (Cherokee Freedman D-841), for the enrollment of herself and her minor child, Alexander Boudinot, Jr., as Cherokee Freedmen, which you transmitted August 5, 1903, with your decision of July 1, 1903, in which you denied the application as to her, and held that her child was entitled to enrollment. Her husband, Alexander Boudinot, for whom application was also made, is differently classified, and is not included herein.

Reporting in the matter January 13, 1904, the Acting Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, so far as it affects Alexander Boudinot Jr.

It appears that the principal applicant was born in the Cherokee Nation about 1877, and has resided therein all her life, except during an absence of nine months while attending school in Kansas. She claims that she was married July 1, 1903, to said Alexander Boudinot,

whose name appears upon the authenticated roll of 1860. The applicant herself is not identified upon that roll. It further appears that her father, Cornelius Bacon, claims citizenship in the Chickasaw Nation, although he has resided for many years in the Cherokee Nation. Her mother, Celia Bacon, formerly Martin, was the slave of a Cherokee citizen named Joe Martin, at the outbreak of the civil war, during which she was taken to Kansas. According to the testimony of Columbus McNair, upon both direct and cross examination, it is shown that she returned to the Cherokee Nation in February of 1867. This witness did not state, nor was he asked, in what part of February she returned.

Your decision of July 1, 1903, contains the following paragraph, referring, it is supposed, to Celia Bacon, formerly Martin, viz:

"The evidence shows that the applicant, Maria Boudinet, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation during the rebellion and did not return thereto until February, 1867. Her name is not found on the 1860 authenticated Cherokee roll."

From the statement of facts given above, it is apparent that the name, Maria Boudinet, is used erroneously in the foregoing paragraph. If you had reference therein to her mother, Celia Bacon, or Martin, your finding of facts that she "did not return thereto until February, 1867", is not sufficient to warrant the conclusion that she failed to establish a residence in the Cherokee Nation within the time prescribed by the treaty of 1866, which, according to the opinion of the Assistant Attorney General of January 13, 1904, v February 11, 1867. By reason of this error, it is also uncer

to whom you refer when you say "Her name is not found on the 1880 authenticated Cherokee roll."

Further investigation is necessary to permit the applicant to show, if possible, that her mother's return to the Nation occurred prior to February 11, 1867, and to determine whether or not the name of Celia Bacon, or Martin, is found upon the 1880 roll. The record in the case is accordingly returned herewith.

This further investigation will not, however, necessitate further delay concerning the enrollment of Alexander Doudinet Jr.

Respectfully,

(Signed) T. A. Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-841.

Muskogee, Indian Territory, May 11, 1904.

Mariah Boudinot,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for the enrollment of yourself and granting your application for the enrollment of your minor child, Alexander Boudinot, Jr., as Cherokee freedmen, was affirmed by the Secretary of the Interior as to your said child, on May 2, 1904.

The Department remands this case as to your enrollment, and it is requested that further testimony be introduced tending to show the date of your mother's return to the Cherokee Nation after the close of the war of the rebellion and as to whether or not her name appears upon the 1880 authenticated Cherokee roll.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, June 16, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cherokee Freedmen
D-841.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application for the enrollment of Mariah Boudinot and granting the application for the enrollment of her minor child, Alexander Boudinot, Jr., as Cherokee freedmen, was affirmed by the Secretary of the Interior as to Alexander Boudinot, Jr., on May 2, 1904.

The Department remands this case as to the enrollment of Mariah Boudinot, and it is requested that further testimony be introduced tending to show the date of her mother's return to the Cherokee Nation after the close of the war of the rebellion, and tending to show whether or not her name appears upon the 1880 authenticated Cherokee roll.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, June 16, 1904, and introduce testimony as above indicated.

-2-

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter in this case.

Respectfully,

Enc. D-23.

Chairman.

Cherokee Freedmen
D-841.

Muskogee, Indian Territory, May 11, 1904.

I. P. Bledsoe,

Agent for Mariah Boudinot et al.,
Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application for the enrollment of Mariah Boudinot and granting the application for the enrollment of her minor child, Alexander Boudinot, Jr., as Cherokee freedmen, was affirmed by the Secretary of the Interior as to Alexander Boudinot, Jr., on May 2, 1904.

The Department remands this case as to the enrollment of Mariah Boudinot, and it is requested that further testimony be introduced tending to show the date of her mother's return to the Cherokee Nation after the close of the war of the rebellion, and tending to show whether or not her name appears upon the 1880 authenticated Cherokee roll.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, June 16, 1904, and

-2-

introduce testimony as above indicated.

For your information there is herewith enclosed a copy of the Department's letter in this case.

Respectfully,

Enc. D-24.

Chairman.

Cherokee Freedmen
D-841.

Muskogee, Indian Territory, May 21, 1904.

Mariah Boudinot,

Nowata, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

You will, therefore, appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in your case.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
D-841.

Muskogee, Indian Territory, May 21, 1904.

I. P. Bledsoe,
Agent for Mariah Boudinot,
Choteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Mariah Boudinot as a Cherokee freedman, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in her case.

Respectfully,

Commissioner in Charge.

Cher. F. D-841.

Muskogee, Indian Territory, June 11, 1904.

Blue & Clover,
Attorneys for Mariah Boudinot.
Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of June 6, stating that you have been retained to represent Mariah Boudinot in her application for enrollment as a Cherokee Freedman. You ask to be furnished with a copy of the testimony in that case.

In reply you are advised that the Commission's decision in this case was remanded by the Department and the case was originally set for hearing at Muskogee, Indian Territory, on June 16, but, on motion of the Attorney for the Cherokee Nation, the case was continued for one day, and applicant has accordingly been advised to appear before the Commission, at nine o'clock A. M., on June 17, 1904.

There is herewith inclosed to you a copy of the record of proceedings, together with a copy of the Commission's decision, in this case. There is also inclosed a blank form of receipt for said testimony which you are requested to sign and return to the Commission.

Respectfully,

Enc. S-10.

Chairman.

Cherokee Freedmen
D 841

Muskogee, Indian Territory, July 7, 1904.

Blue & Clover,

Attorneys for Mariah Boudinot, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed copy of the testimony of June 17, 1904, taken at Muskogee, Indian Territory, in the matter of the application of Mariah Boudinot, et al., for enrollment as Cherokee freedmen, case No. D 841. There is also inclosed blank form of receipt for said testimony which you are requested to sign and return to the Commission.

Respectfully,

Encl. V-5

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-841.

Muskogee, Indian Territory, June 27, 1906.

Blue and Bulger,

Attorneys for Mariah Boudinot,
Baxter Springs, Kansas.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, reversing the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, insofar as it affects Mariah Boudinot, and granting her application for enrollment as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H.J.-129.
H.J.C.

(SIGNED).

Jame Dixey
Commissioner.

Cherokee Freedmen
D-841

COPY.

Muskogee, Indian Territory, June 27, 1906.

Mariah, Boudinot,
Nowata, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated June 27, 1906, reversing the decision of the Commission to the Five Civilized Tribes dated July 1, 1903, in so far as it affects you, and granting your application for enrollment as a Cherokee Freedman.

Your attorneys, Blue and Bulger, Baxter Springs, Kansas, have heretofore been furnished a copy of the records of proceedings in this case and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the records of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED,

Tame Dixby.
Commissioner.

Encl. H.J.-128.
H.J.C.

Register .

Cherokee Freedmen
D-841

COPY.

Muskogee, Indian Territory, June 27, 1906.

Bell, Hastings and Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated June 27, 1906, reversing the decision of the Commission to the Five Civilized Tribes dated July 1, 1903, in so far as it affects Mariah Boudinot, and granting her application for enrollment as a Cherokee Freedman.

The decision, together with the records of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,
(SIGNED).

Encl. S. J. - 170.
S. J. - 170.

James Doby.
Commissioner.

COPY.

Muskogee, Indian Territory, June 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Mariah Boudinot, for enrollment as a Cherokee Freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, reversing the decision of the Commission to the Five Civilized Tribes, dated July 1, 1905, insofar as it affects Mariah Boudinot, and granting her application for enrollment as a Cherokee Freedman.

On May 2, 1904 (I.T.D. 326-1904), this case was remanded to the Commission to the Five Civilized Tribes for further hearing and readjudication.

Respectfully,

(SIGNED)

Tame Dixby.

Commissioner.

Encl. H.J.-131.

H.J.C.

Through the

Commissioner of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
56232-1906.

December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Mariah Boudinot, as a Cherokee freedman, wherein a decision in favor of the applicant was rendered by the Commissioner on June 27, 1906.

Mr. Bixby finds from the record that on June 24, 1901, Mariah Boudinot appeared before the Commission to the Five Civilized Tribes at Nowata, and made application for the enrollment of herself, her husband, Aleck Boudinot, and a minor son, Alexander Boudinot, as Cherokee freedmen, but as Aleck Boudinot is differently classified, and Alexander Boudinot has heretofore been enrolled, the husband and son are not embraced in his decision.

He further finds that the record shows that on July 1, 1903, the Commission rendered a decision enrolling Alexander

Boudinot and denying Mariah Boudinot the right to enrollment as a Cherokee freedman.

Departmental letter of May 2, 1904 (I.T.D.326-1904), affirmed the decision as to Alexander Boudinot and remanded the record for further investigation as to the right to enrollment of Mariah Boudinot. Supplemental proceedings in the matter of her application were had at Muskogee on June 17, 1904.

The Commissioner finds from the evidence that one Celia Bacon, nee Morton, is the mother of the applicant, Mariah Boudinot, that Celia Bacon, nee Morton, was a slave of a Cherokee citizen at the commencement of the Rebellion, that she removed from the Cherokee Nation during the Rebellion but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, vs. the Cherokee Nation, for the return of freedmen to the Cherokee Nation, and continuously resided therein until her death some four years ago, and the evidence shows that the applicant, Mariah Boudinot, was born since 1866, and has continuously resided in the Cherokee Nation during her life.

Based on this record the Commissioner adjudged that the decision rendered by the commission to the Five Civilized Tribes on July 1, 1903, wherein Mariah Boudinot was denied the right to enrollment as a Cherokee freedman should be reversed in so far as it affects her, and that in accordance with the

provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. L., 495), Mariah Boudinot is entitled to enrollment as a Cherokee freedman, and her application for enrollment as such was accordingly granted.

The record in the case conclusively shows that Mariah Boudinot is the daughter of a Cherokee freedwoman who returned to the Nation before February 11, 1867, and was born since that date; that she has lived in the Cherokee Nation all her life and is, on account of these facts, entitled to enrollment under the law. I therefore recommend that his decision be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ESH-Y.

COPY

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

D.C. 517-1907.

December 27, 1906.

I.T.D. 24498-1906.

L.A.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 27, 1906, you resubmitted the record in the matter of the application for the enrolment of Maria Boudinot as a Cherokee freedman, including your decision of the same date, favorable to the applicant.

Reporting December 6, 1906 (Land 56232), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the matter have been returned for the files of the Indian Office.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 for I d. Of.

Cherokee F.
D 841.

Muskogee, Indian Territory, January 14, 1907.

Mariah Boudinot,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, December 27, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

JMH

Commissioner.

Cherokee F.
D 841.

Muskogee, Indian Territory, January 14, 1907.

Blue & Bulger,
Attorneys for Mariah Boudinot,
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, granting the application for the enrollment of Mariah Boudinot as a Cherokee freedman, was affirmed by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-14
JMH

Commissioner.

Cherokee P.
D 841.

Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, granting the application for the enrollment of Mariah Boudinot as a Cherokee freedman, was affirmed by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-15
JMH

Commissioner.

Cher Fr 1542

Trans. from Cher Fr D1125

Cher Fr 1542

2763

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
ANNIE WHITMIRE
as a Cherokee Freedman.

^F
CHEROKEE D 1125.

R
Cher Freed

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 28, 1902.

In the matter of the application of ANNIE WHITMIRE, for the enrollment of herself as a Cherokee Freedman:

ANNIE WHITMIRE, being duly sworn and examined by the Commission testified as follows:

- Q What is your name ? A Annie Whitmire.
Q How old are you ? A Twenty six.
Q What is your post office address ? A Wimer.
Q What district in the Cherokee Nation are you living in ?
A Cooweescoowee.
Q Do you make application for the enrollment of yourself as a Cherokee Freedman ? A Yes sir.
Q Do you apply for anyone besides yourself ? A No sir.
Q Have no children ? A No sir.
Q What is your father's name ? A Frank Whitmire.
Q Is he living or dead ? A He is living.
Q Is he a Cherokee freedman ? A Yes sir.
Q Who did he belong to ? A To Johnson Whitmire.
Q What is your mother's name ? A Martha Whitmire.
Q Is she living ? A Yes sir.
Q Is she a Cherokee freedman or a State woman ?
A I don't know whether she is or not; I don't think she is.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen ? A Yes sir.
Q Have you ever drawn any money ? A Yes sir.
Q When ? A I don't remember how long it has been. About ten years ago I expect.
Q Did you draw Kerns-Clifton money ? A Yes sir.
Q Have you always gone by the name of Whitmire ? A Yes sir.

Examined by Mr. Hastings:

- Q Are you married ? A I have been married.
Q Is your name Whitmire ? A Yes sir.
Q What was your husband's name ? A George Ward.
Q Aint your name Ward ? A No sir, I am on the roll as Whitmire; my father's name was Whitmire.
Q What name do you go by up there in the country ?
A By the name of Ward. You see my husband never drewed any money, and I just go by the name of my father, because that's the way it is on the roll.

--The roll of 1880 examined and the name of the applicant does not appear thereon;

--The roll of 1896 examined and the name of the applicant does not appear thereon;

- Q Did you have any brothers or sisters ? A Yes sir.
Q What are the names of your brothers ? A Oscar is one, and one Nelson and Jesse and George; that's all.
Q Have a brother named Ben ? A No sir, I haven't got no brother named Ben.
Q Have a sister named Bessie ? A Yes sir.
Q Have a sister named Ella ? A Yes sir.
Q Who is Frank Whitmire ? A He's my father.
Q Who is George ? A He's my brother.

--Kerns-Clifton roll, page 151, # 5730, Annie Whitmire, Cooweescoowee District;

Q Did you have a sister named Rachel ? A Yes sir, she is the oldest sister.

--Wallace roll, page 149, # 3114, Anna Whitmire, Cooweescoowee District;

Q Where were you born ? A In Cooweescoowee.

Q Have you always resided in the Cherokee Nation ? A Yes sir.

Q Have you ever been outside of the Cherokee Nation for any purpose ? A No sir.

Examined by Mr. Hastings:

Q Why didn't you apply to the Commission at Nowata ?

A I have been sick; have been sick for a year.

Q Were you living with your husband up there ?

A No sir, I stay at my father's now.

The Commission:

Have you separated from your husband ? A Yes sir, I have been going with my father on the roll.

Q How do you want to be enrolled, under the name of your husband, or under the name of your father ?

A Under the name of my father.

--Annie Whitmire applies for the enrollment of herself as a Cherokee Freedman. She is not identified on the roll of 1880, nor the census roll of 1896. She avers that she was born and raised in the Cherokee Nation, and has lived here all her life. She is duly identified on the Kerns-Clifton roll of Cherokee Freedmen, and on the Wallace roll of Cherokee Freedmen.

Final judgment as to her enrollment will be suspended and her name placed upon a doubtful card awaiting the final consideration of the Commission.

The Commission: It is directed that all testimony had in the matter of the application of her father Frank Whitmire, who has been listed for enrollment on Cherokee roll card field # D 956, be filed with and made a part of the record in this case.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 9, 1902.

E. C. Bagwell
[Signature]
 Notary Public.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 1896

Post Office June

District 2000

1. Name Annie Whitmore Age 26

Owner's name Citizenship

Year 1890 Page 151 No. 3130 District 2000

Parents:

Father Frank Whitmore - I Citizenship

Mother Martha Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Doubtful Citizenship

Mother Citizenship

Names of Children:

- 3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Stenographer

On Wallace P.O. #147, #3114, Annie Whitmore, 2000. R.I.V.

X ref to 42951.

(Copy)
Department of the Interior,
Commission to the Five Civilized Tribes.
Nowata, I.T., June 29, 1901.

In the matter of the application of Frank Whitmire for the enrollment of himself and five children.

APPEARANCES:

MELLETT & SMITH, Attorneys for Applicants;
W. W. HASTINGS and J. S. DAVENPORT, Cherokee Attorneys.

Frank Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Frank Whitmire.
Q What is your age? A About 56 I guess.
Q What is your postoffice? A Wimier
Q What district do you live in? A Going Snake.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and ten children.
Q Give me the names of your children? A I can't recollect them (hands Commissioner paper.)
Q Four of these children are over 21; they will have to apply for themselves. A Yes sir.
Q I find Jesse under 21; is that one of your children? A Yes sir
Q 14 years of age? A Yes, sir.
Q Ada another one? A Yes sir.
Q How old is Ada; got her down at 16; is that right? A Yes sir
Q She is older than Jesse? A Yes sir.
Q The next one Ella? A Yes sir.
Q How old is Ella? A 22 I believe; 20.
Q You have got her down here is 15? A Well, that is the age.
Q This is right, is it? A Yes, sir.
Q Got another one named George? A Yes, sir.
Q He 12? A 10 years old.
Q Well, how old is Bessie? A Bessie is 10; George is 12.
Q Bessie is 10? A Yes sir.
Q That makes five; now Rachel is 29, is that right? A 28.
Q How old then is Lizzie? A Rachel is 29 and Lizzie 28.
Q Austin 27, and Anna 26 and Nelson 21? A Yes sir.
Q You apply for yourself then and five children? A Yes sir.
Q These children all alive, these younger children? A Yes sir.
Q Living with you at this time? A Yes sir.
Q All unmarried; Jesse isn't married? A No sir.
Q Ada? A No sir.
Q They are all living with you? A Yes sir.
Q Born and raised in the Cherokee Nation? A Yes sir.
Q Who are your witnesses? A Dave French and Lose Riley and Crap Lynch.
MR. SMITH: How old are you, Mr. Whitmire? A About 56 I guess.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee Indian? A Yes sir.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q Where did he live before the war? A In Going Snake.
Q Where did he live at the time the war commenced? A Lived in Going Snake.
Q In the Cherokee Nation? A Yes sir.
Q Where were you living? A Lived right there with him.
Q Were you taken out of the Nation or go out during the war?
A Went out during the war.
Q Where did you go to? A Fort Scott.
Q Fort Scott, Kansas? A Yes sir.

-2--Frank Whitmire.

- Q Where did you return to the Cherokee Nation, come back? A In 66.
- Q Where did you come to? A To Gibson.
- Q Fort Gibson? A Yes sir.
- Q In the Cherokee Nation? A Yes sir.
- Q How long did you stay about Fort Gibson? A Just about a week.
- Q Where did you go from Fort Gibson? A Went to Grand River.
- Q What part of Grand River did you go? A Up to Bob Daniels place on Grand River.
- Q Cherokee Nation? A Yes sir.
- Q How long did you stay there? A About a couple of weeks.
- Q Where did you go from there? A Went to Big Creek.
- Q How long did you stay there? A About six months.
- Q Big Creek in the Cherokee Nation? A Yes sir, lived with my mother.
- Q Then where did you go? A Then I went back to Springfield, Mo.
- Q Were you married or single? A I was married.
- Q Where was your family? A Down in Springfield, just my wife.
- Q You didn't bring your wife? A No sir.
- Q When did you bring your wife back to the Cherokee Nation? A I went there and stayed a year and then went back.
- Q Stayed in Springfield? A Yes sir, in Springfield.
- Q Then where did you go to? A Came to Big Creek.
- Q Then how long did you live at Big Creek? A Been living at Big Creek about 29 or 30 years.
- Q Do you know exactly how many years you have been living there? A Not exactly about that.
- Q Where were your children born? A Born on Brush Creek some of them and some on Big Creek.
- Q Were any of your children born outside the Nation? A No, sir, all born in the Nation.
- Q Where are these children for whom you apply with you living; with you, the younger ones? A Yes sir.
- Q Is Rachel Whitmire your child? A Yes sir.
- Q Is her name still Whitmire or she married? A She is Ross.
- Q What is her husband's name? A Rose Ross.
- Q Where does she live? A She lives on Cedar Creek.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q How long has she lived there? A About three or four years. I believe she has been married.
- Q Been living there ever since she has been married? A Yes, ever since she has been married.
- Q Has she any children? A No sir.
- Q Well, what is Lizzie's name now? A Adair.
- Q What is her husband's name? A Ben Adair.
- Q She married to Ben Adair? A Yes sir.
- Q Has she any children? A Five children; I think it is five.
- Q Where does she live? A Lives up on the head of a little creek they call White Oak.
- Q That in the Cherokee Nation? A Yes sir.
- Q How long has she lived there? A About ten or 12 years to my best knowing.
- Q Where does Anna live? A She lived on the prairie there about four miles from where I live, west.
- Q In the Cherokee Nation? A Yes sir.
- Q She married? A Yes sir.
- Q Who is she married to? A George Ward.
- Q Any children? A No sir; she has not got any children.
- Q Where does Austin Whitmire live? A He lived in Vinita.
- Q How long has he lived there? A He has been living there about two or three years.
- Q Where did he live before he went to Vinita? A He lived down in

Sequoyah district.

Q How long did he live in ~~the~~ Sequoyah District? A I don't know; about two or three years.

Q How long since Austin made your place his home; is he married or single? A He is married.

Q When did he marry? A He has been married about ten years, I guess.

MR. DAVENPORT: Where did you go during the war? A Went to Fort Scott.

Q How long did you stay at Fort Scott? A Well, I didn't stay to Fort Scott very long.

Q Where did you go from there? A I came back to the Cherokee Nation.

Q What part of the Cherokee Nation? A Why, down to the Cherokee Nation, down to Springfield, Missouri.

Q That isn't in the Cherokee Nation, is it? A No, sir.

Q How long did you stay at Springfield, Mo.? A Stayed around there till the war closed.

Q Well, then, after the war closed what did you do? A I went back to Fort Scott.

Q How long did you stay at Fort Scott then? A When I went back well I stayed there then about till the war ended, to Springfield, Missouri, I stayed there and drove teams.

Q Then, after the war ended at Springfield, Mo., and you quit driving teams, when you left there, where did you go? A When the war ended?

Q Yes, when you left Springfield, Mo.? A I can't recollect.

Q You don't know where you went then? Where were you married?

A I was married in Springfield, Mo.

Q In what year? A Well, a year before the war ended.

Q What is your oldest child's name? A My oldest child, Rachel.

Q What is your wife's name? A Martha.

Q Is she living now? A Yes, sir.

Q Well, now, after the war ended, you and your wife were living in Springfield, Mo., when the war closed? A Near Springfield, Mo.

Q Well, what did you do after that, after the war closed? A Why, after the war closed I came back to the Cherokee Nation.

Q What point did you come to then after the close of the war? I came to Gibson.

Q Did you bring your wife there? A No sir.

Q Where did you leave her? A In Springfield, Mo.

Q She was keeping house there, was she? A Yes sir.

Q Had you any children born at that time? Had one, he was dead.

Q What was his name? A Charley.

Q Where did he die? A He died in the Cherokee Nation.

Q What year? A I can't tell you how long ago, about 14 or 15 years as near as I can recollect.

Q What did you do next then after you came back to Fort Gibson, as you claim? A After I came back to Fort Gibson I came to the Cherokee Nation.

Q You were in the Cherokee Nation when you came to Fort Gibson?

A Yes sir.

Q What did you do next? A I came to Grand River.

Q Who did you see when you came to Grand River? A Why, I seen these Bear boys.

Q Anyone else? A And Lynches.

Q Anyone else? A - - oh, I can't recollect.

Q How did you come back to the Territory the first time you came?

A Well, I came back with some freight wagons.

Q When did you bring your family to the Cherokee Nation? A Well, I left my family there, I came here, and I was here a year or maybe six months and left my family up there, and I came here and located

me a place.

Q Where did you locate the place? A On Brushy Creek.

Q What part of the Nation is that? A Right near Big Creek; it is west of Big Creek.

Q Near whose place is it now? A My brother's place.

Q What is your brother's name? A Mart Whitmire.

Q Do you know Albert Morris? A Yes sir.

Q Where was he living when you came back and located your place?

A When I first came myself I never seen Albert Morris.

Q How far did you locate the place from where Albert Morris's place is up on Big Creek? A I guess about three or four miles.

Q Did you have a place made there when you first saw Morris in that country? A No sir.

Q Were you living on that place when Morris first came? A I was living to my brother's place.

Q How far is that from the Morris place? A About seven miles down the creek.

Q Do you know Watt Starr? A Yes sir; I was raised with him.

Q You know him before the war? A Yes sir.

Q When did you first see him when you came back to the Cherokee Nation? A Well, it has been about twenty years ago.

Q You saw him about '78 or '9? A I don't know dates; if you got a date on me, you have got me; I don't know the date.

Q You know you saw him there a short while after you came back to the Territory, don't you? A Yes, I saw him, but Watt Starr; he don't know where I live, he couldn't go to my place.

Q I asked you if you saw Watt a short while after you came back to the Territory? A No, not a short while, I lived down the creek then to my brother's house.

Q How long after you came back to the Cherokee Nation before you saw Watt Starr, the man with whom you have been raised, about how many years? A I can't tell you exactly.

Q Was it two or three? A No, I can't tell you exactly how long.

Q Can't you give me your best judgment as to how many years you had been here before you saw Watt Starr? A No sir; I had been a here a long time.

Q Well, the first time you saw him he came to your house to see about your coming back? A No, he never came to my house, no, sir.

Q Didn't he come up where you were to see you? A No, sir.

Q Have you ever seen him since you came back? A I saw him down to Chelsea.

Q When was that? A When this Court was going on.

Q Was that the first time you saw him since the war? A The first time I saw him.

Q It was? A Yes, sir.

Q You had seen him before that and had a conversation in which you told him you had just come back from Kansas? A No, sir; I never lived in Kansas.

Q In which you told him you had just returned to the Cherokee Nation? A I told him I just came from below, I never lived in Kansas. Q When was it you told him that, when you were in Chelsea enrolling? A I never spoke to him in Chelsea, I made a mistake; I never saw him after the war until down here at Chelsea.

Q None of your other children, but the one, Charlie, was born in Kansas? A That is all; Charlie was born in Springfield, Missouri.

Q You lived right in the city, did you? A No, I lived out west of Springfield.

Q About how far? A About a quarter of a mile.

Q On whose place did you live? A I didn't live on anybody's place.

I just lived in town.

Q I asked you if you lived in town and you said you didn't live in town. From whom did you rent your farm? A Well, I lived there just out on the reserve.

Q You lived on the Government grounds then? A Yes sir, lived out on the reserve at a little shanty I built out there for myself.

Q Have you any brothers except the one you spoke of? A Yes sir.

Q What are their names? A Lose.

Q Any other? A And Jesse.

Q They are your brothers? A Yes sir.

Q They are living in the country? A Yes sir.

MR. HASTINGS: Did you have any witnesses at all before the Lern-Clifton Court? A Yes sir.

Q Who? A I went in, but they were not called.

Mose Riley, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A Mose Riley.

Q How old are you? A 51.

Q Where do you live? A Chelsea.

Q How long have you lived there? A 21 or 22 years.

Q Do you know this applicant, Frank Whitnair? A Yes sir.

Q How long he lived? A Yes sir.

Q Where? A On Big Creek.

Q How long has he lived there? A I don't know sir how long he has lived there, lived there a long time.

Q How far is that from here you live? A About 18 or 20 miles from where one of my places is.

Q Where did you first know Frank Whitnair? A I have knowed him ever since the war.

Q When did you first see him in the Cherokee Nation after the war? A Right after peace, after we came back here I saw him.

Q How long after you came back here before you saw him? A I don't know sir how long, it wasn't very long though.

Q Give us your best judgment as to how long it was? A It couldn't have been more than three or four months I reckon.

Q Where did you see him? A Over in Saline District.

Q Don't know how long he has been back when you saw him? A We came back in the fall and I saw him that same year, that same winter.

Q I say you don't know how long he had been back when you saw him? A No, sir, I don't know that.

Q Did you see him once or more than once at that time? A I only saw him once right then but I saw him after that.

Q How long afterwards? A Next time I saw him it must have been three or four months afterwards up on that is called Lynch's prairie, that was four or five miles from here I lived.

Q How long afterwards? A It must have been three or four months I reckon, four or five months, something like that.

Q How long after that, or when did he come up on Big Creek to live? A I don't know sir just exactly when he did come there.

Q Do you know any of his children? A I know one or two of them, that is by name.

Q Do you know his wife? A Yes sir, know her when I see her.

Q Ever been to his houses? A Yes sir, I have been there a number of time.

Q Do they keep house? A Yes sir.

Q Live together as man and wife? A Yes sir.

Q How are they received in the neighborhood? A As man and wife.

COMMISSIONER: When did you first see this applicant? A Over in Saline.

Q After the war, was that? A I don't know just exactly what

--C--Frank Whitmire.

time it was.

Q What year was that? A It must have been in the winter; it was along in the winter I think of, well the same year we came there.

Q When did you come? A I came in '66.

Q What time of the year did you come? A We came in the fall.

Q And you saw this man this next winter? A Yes, sir; I saw him that winter.

Q The fore part of the winter or last part of the winter? A It was close to about Christmas; I don't know now whether after or before Christmas, but it was along there somewhere.

Q. MASTINGS; who was with him? A He was by himself when I saw him.

Q Come to your house? A No; I had no house, but he came to my father's house.

Q Where was he living? A I don't know, sir, where he was living; I know where his father was living.

Q Where was your father living? A On the old McChair place.

Q Made a crop there that year? Yes, he made a crop there; I helped him to.

Q And there was no robbery with this man? A Nobody with him when he came to my father's house.

Q Was he in a wagon? A No, sir; horseback.

Q How long did he stay there? A Just-stayed there all night.

Q Was his wife with him? A No, sir.

Q Was he married at that time? A I don't know, sir, whether he was or not.

Q Never heard him say anything about that? A No, sir.

Q He was a stranger to you, never saw him before? A I saw his father.

Q But him? A No, sir; I never saw him before.

Q About how old was he at that time? A I don't know.

Q Was he a man? A Looked like he was.

Q Now are there any particular circumstances that you remember his being there at that time? A Yes, sir; he was inquiring about Uncle Jesse Alberty.

Q Was that the particular circumstance? A Yes, sir, and I knowed his daddy.

Q He stayed all night at your house? A Yes, sir.

Q Was Mrs. Martin Thompson on that place at that time? A Yes, sir.

Q You had never seen him before the war? A No, never saw him.

Q How soon before you ever saw his wife? A I never saw his wife till '73.

Q Where did you see her? A When I saw her I saw her at his house on Fir Creek.

Q How far is that from Albert Morris? A I don't know where Albert Morris lived there.

Q Do you know where he lives now, where his farm is? A Yes, sir.

Q How far is that from his farm up there? A Well, where Frank lives now I guess it is about two miles and a half or three miles south.

Q Did this man have any children in '73 when you saw his wife? A Yes, sir.

Q How many? A I don't know how many. I stayed all night at his house.

Q But you don't remember these children's names? A Remember their names, I remember their names when I hear them called.

Q You would have remembered it if it has been in '66? A I know that I would know it if I saw them in '66.

Q But you don't remember seeing them in '73? A I never heard their names.

Q About how old was the largest one? A I don't know; they are grown and married, most of them.

--7--Frank Whitmire.

- Q At that time, in '73? A Some good size girls and some good size boys.
- Q About how old was the oldest one? A I don't know they were big enough to take my horse and put it up at his house.
- Q At that time, in '73? A Yes sir.
- Q Was the oldest a girl or a boy? A I don't know which one was the oldest one.
- Q Was it a boy took your horse and put it up? A Looked like a boy, it had on pants.
- Q And you think that was in '73? A It was in '73.
- Q You are positive of that? A Somewhere along about that time.
- Q I want to know if you are positive? A I can't say for sure it was then, but it was along there sometime.
- Q Could it have been as late as '75? A Well, I think it was '73, now I know it was '73, I have got a child that was born in '73, and it was born the night before I stayed all night at Frank's.
- Q You know he was born in '73? A I know my child was born and I stayed all night next night at his house.
- Q You are more positive in '66 then you are in '73? A Oh, yes, you know we know something about '66, I know something about now, so far as that is concerned.
- Q Where was he living in '73, Frank, same place he is living now? A No sir.
- Q How far from there? A Why, I don't know whether it was on his place or his brother's place, I don't know which one of them it was, I don't know whose place it was, but where I stayed all night was on the side of the creek, and he don't live there now.
- Q What side? A On the east side of the creek.
- Q What creek? A On the east side of Big Creek.
- Q You don't know whether it was his place or not? A I don't know, I never asked it.
- Q What sort of a house was he living on? A Log house.
- Q You don't know how far that is from where he is living now? A No, sir; I know where the place is if I could go to it.
- Q You don't know who is living on that place now? A No, sir.

ANDERSON LYNCH, being duly sworn by Commissioner Needles, testified as follows:

- MR. SMITH: State your name? A Anderson Lynch.
- Q How old are you? A 64.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Recognize citizen? A Yes sir.
- Q Do you know this applicant, Frank Whitmire? A Yes sir.
- Q How long have you known him? A I knowed him just a while time the war was coming up.
- Q Did you know him before the war? A Yes sir.
- Q Know whether he was a slave or not? A Yes sir.
- Q Who did he belong to? A Johnson Whitmire.
- Q Was Johnson Whitmire a Cherokee Indian? A Yes sir.
- Q Citizen of the Cherokee Nation? A Yes sir.
- Q Where did he live before the war? A Lived a way down below Tallequah, somewhere down in there.
- Q How far was that from where you lived? A Oh, it must have been, I can't tell exactly how far it was, it was a good piece, it was the days' travel I think down in there.
- Q Do you know where Frank Whitmire, this applicant, lives now? A No, sir, never was at his house.
- Q When did you first see Frank Whitmire in the Cherokee Nation after the war? A I was in '66 after Christmas, about January, I guess; he was up to Bob Daniels' place up there where my brother was living.

--8--Frank Whitmire.

- Q How long after Christmas of '66 was it before you saw him?
A A few weeks, I guess.
Q Along in January then? A Yes sir.
Q Where was it you saw him at that time? A That was up at Bob Daniels place
Q In the Cherokee Nation? A Yes sir.
Q Where was the Bob Daniels place? A On Grand River up above where I was living.
Q Did you see him once or more than once at that time? A I just saw him once up there at a gathering at his brother's.
Q How long after that was it before you saw him again? A I never saw him until they had a gathering over there at Goose Neck, and met up there with him again.
Q You say you have never been to his house? A No, sir, never been there.
Q Well, at the time you saw ^{him} at the Bob Daniels place, what was he doing at the Bob Daniels place? A He just had come there I suppose to see his brother, or something.
Q Do you know of your own knowledge? A No, sir; I don't know what his business was, I just saw him there I thought.
MR. DAVENPORT: He was just fooling around there, crap, was he? A Yes, he was just there, I don't know how long he stayed there.
Q Had his wife with him? A No sir, he didn't, I never saw any woman.
Q Have any children? A Not as I know of.
Q You don't know then that was, do you? A It was along in January just after Christmas.
Q Of what year? A Just after '66.
Q Don't know whether it was January '67 or January '68? A No, it was just about two weeks after Christmas, must have been somewhere along about there.
Q You didn't know this fellow before the war, did you? A Yes sir I know him before the war.
Q And you lived two days travel from him? A Well, the day I come to find out was following the regiment traveling, going backwards and forwards.
Q Well, the regiment, was it going that was before the war? A Well, Waite's was.
Q Before the war broke out? A No, sir, the war had commenced.
Q Don't you know this fellow left the country when the war commenced and did not come till after the war was over? A He was down at the Whitmires.
Q Which one of the Whitmires was he with? A Johnson Whitmire.
Q Where were they living? A He camped right close there to the Whitmires, in the Creek.
Q What creek? A It must have been a river or something, it wasn't far from there.
Q Did it have any name? A I don't know of any name for it, I heard of so many little creeks down there.
Q In fact you do not know much about it anyway, do you? A I just only knew him.
Q How large was he when you saw him there at that time? A A good big sized fellow, big enough to drive a team.
Q Was he grown? A Wasn't quite grown.
Q Was he grown after the war when you saw him? A He was might near it, he was a good size boy.
Q And wasn't quite grown after the war? A He was about grown, I reckon.
Q You know you saw him? A I saw him, of course he was a good size fellow then, not a child.

--9--Frank Whitmire.

- Q You don't know where he went during the war? A No, sir.
- Q Don't know where he married? A No sir.
- Q Don't know anything about his family? A No, I never seen them.
- Q Don't know where his family was when you claim to have seen him down there just after Christmas after the war closed? A No sir; don't know where they were.
- Q Did he come to your house, or whose house? A No sir, was there there at his brother's, his brother was on the Bob Daniels house.
- Q What was his brother's name? A Lose Whitmire.
- Q Not anything about what family Lose lived nearby? A Nearby Jacob Landrum's family.
- Q And this man, after you say him there, it was several years before you saw him again? A No sir.
- Q You don't know where he had been living in the meantime? A No sir; don't know where he had been living.
- Q And you just happened to remember he came along there to his brothers and you saw him? A After I come to think of it, I was here and he was here.
- Q MR. HASTINGS: What year did the Horn-Clifton Commission make a roll? A I don't know.
- Q What year did Wallace make a roll? A Never kept account of it.
- Q You don't know anything about dates? A No, sir.
- Q Don't know one year from another year? It comes to keeping dates? A No sir.
- Q MR. SMITH: You know when you came back here after the war? A Oh, yes sir.

Frank Whitmire, recalled, testified as follows:

- Q MR. HASTINGS: Where did you first see Dave French? A At Fort Gibson.
- Q After the war? A Yes sir.
- Q What time of the year? A About just before Christmas, a little while before Christmas.
- Q How long before Christmas? A Just about a day or two before Christmas.
- Q Did you see your Christmas in Fort Gibson? A Yes sir.
- Q Was Dave living there at that time? A Yes sir.
- Q Was he living in a house; was he at his house? A I wasn't at his house, I don't know whether he had or not.
- Q Did you see his wife down there? A No sir.
- Q Did you see the members of his family? A No sir.
- Q Did you ever see Dave French before? A I used to see him before, I was raised right at him.
- Q Before the war? A Yes sir.

Dave French, being called upon by Commissioner Peoples, testified as follows:

- Q MR. SMITH: What's your name? A Dave French.
- Q How old are you? A 72 years old.
- Q Do you know this applicant, Frank Whitmire? A Yes sir.
- Q How long have you known him? A Well, knowed him all the time, a long time.
- Q Know him before the war? A Yes sir.
- Q Was he a slave? A Yes sir.
- Q Was he a bond to? A Johnson Whitmire.
- Q Was Johnson Whitmire a Cherokee Indian? A Yes sir.
- Q Did he live in the Cherokee Nation? A Yes sir.
- Q Where did he live when the war commenced? A He was living

down on the Creek, they called it Seavino I believe, in below where we lived about seven or eight miles.

Q Where was this man Frank Whitire at this time? A He was there

Q When did you first see Frank Whitire in the Cherokee Nation after the war? A I saw him Christmas of '66 in Fort Gibson.

Q Know how long he was up there at the time? A He sir, he might have lived here in Gibson, I can't tell you.

Q Mr. French, do you know whether he was married at that time or not? A He, sir, I don't.

Q When did you next see him after you saw him in Fort Gibson? A I don't know exactly how long. I guess I next saw him a way up on the river, or Big Creek, I don't know which.

Q Do you know where he lives now? A Yes sir, on the Big Creek. Have you ever been to his house? A I believe I have but not very much.

Q You know how long ago it has been since you first saw him on Big Creek? A He sir, I don't.

Q Was it a long time or a short time? A Well, it has been a good while, every once in a while I saw him, maybe I saw him that year and maybe the next year and maybe the year after that.

MR. LAWRENCE: You know him before the war? A Yes sir, I knew him all the time.

Q And when he came to Fort Gibson you recognized him at once?

A Yes sir.

Q He have his wife with him there? A He never had his wife, I never saw anybody with him.

Q You were living at Gibson at the time? A I was living at Gibson, I was going back and forth hauling people from Kansas, I had stayed there to Gibson though all the time till peace.

Q Did you have your wife with you? A I did not.

Q Where was she at that time? A I don't exactly recollect.

Q Was she in the Territory or Kansas? A I don't recollect.

Q Don't know where your wife was living? A No sir, I don't recollect now.

Q You were married? A Yes sir.

Q She had some children? A Yes sir.

Q You don't know where she was living when you saw him in Christmas of '66? A I don't recollect where I had her at that time.

Q They were in Kansas? A Might have been in Kansas at that time.

Q You don't know where the family was? A He sir, I don't know as he had a family, I never asked him.

Frank Whitire, recalled, testified as follows:

Q Were you married in Kansas? A He sir, I was married in Missouri.

Q When did you first bring your family to the Cherokee Nation?

A I can't recollect when I did bring them, it had been so long I can't recollect, I came here and settled--

Q You came back and married there? A Yes sir, went back and married.

Q You were not married the first time, you went back and married and stayed there several years.

Q Some of your children were born in Missouri? A He sir, all born in the Nation.

Q All of these oldest children born in the Nation? A Yes sir; only Charlie.

Q You must have lived up there five or six years before you married? A He, I married my wife before the war ended, and then I went back after Charlie was born.

Q Married your wife in Missouri before it ended? A Yes sir.

--11--Frank Whitmire.

- Q Got any proof of your marriage? A No sir, not here.
- Q Married in Missouri, was you? A Yes sir, Springfield, Missouri.
- Q Got a license before you married, did you? A No, sir, I just married, a man married me.
- Q That wife you married there living here yet? A Yes sir.
- Q She is the mother of these children? A Yes sir, mother of all of them.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1890 census-roll of Cherokee freedmen examined and the applicants not identified thereon.

The Horn-Clifton roll examined and the applicants identified thereon as follows:

- Frank Whitmire on page 151, l.c. 3729, Cooweescoowee district;
- Jesse Whitmire on page 151, l.c. 3733, Cooweescoowee district;
- Ada Whitmire not on said roll;
- Ella Whitmire on page 151, l.c. 3731, Cooweescoowee district;
- George Whitmire on page 151, l.c. 3734, Cooweescoowee district;
- Pessie Whitmire on page 151, l.c. 3734, Cooweescoowee district.

Q You never were for Ada? A No sir.

Q Why not? A Just didn't; she was knocked off the roll.

The Wallace roll examined and the applicant, Ella Whitmire, identified thereon, page 149, l.c. 3116, Cooweescoowee district, as Ella Whitmire.

COMMISSIONER: Frank Whitmire applies for the enrollment of himself and five children, to-wit, Jesse, Ada, Ella, George and Pessie. His name cannot be identified upon the authenticated roll of 1880 or the census-roll of 1890. He is identified upon the Horn-Clifton and the Wallace roll. The names of his children, except Ada, are identified upon the Clifton roll, Ella being also identified upon the Wallace roll. Applicant avers that he was a slave of Jackson Whitmire and went out of the Cherokee Nation during the war and returned in the year 1866, and married in the State of Missouri and returned to the State of Missouri and married and brought his family to the Cherokee Nation some years later. He makes satisfactory proof as to his residence. Rev. Frank Whitmire and his five children enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified by mail of the action of the Commission in the premises. It will be necessary for him to file satisfactory proof of the birth of Ada, who cannot be identified upon any of the rolls of the Cherokee Nation.

.....

Ernest C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) ERNEST C. JONES.
 Sworn to and subscribed before me this 12th of July, 1901.
 (signed) T. B. REDDERS,
 Commissioner.

UNITED STATES OF AMERICA,
Indian Territory,
Western District.

I, Julius Y. Miller, stenographer
to the Commission to the Five
Civilized Tribes, do hereby certify
upon oath that the foregoing eleven
pages are a true and complete copy of the original of same on file
with the records of the aforesaid Commission.

Julius Y. Miller

Subscribed and sworn to before me this the 19th day of January, 1904.

Edward Merrick
Notary Public.

R.

File with CCF. D 956. Frank Whitwire, et al.

SUPPLEMENTAL: C.F.D.-956.

Department of the Interior

Commission to the Five Civilized Tribes,
Fort Gibson, I.T. Sept. 27, 1901.

In the matter of the application of Frank Whitwire, et al, for
enrollment as Cherokee Freedmen.

TESTIMONY OF ONE PART OF THE CHEROKEE NATION.

Appearances:--

Mr. Smith, of Wickett & Smith, for applicant;
Mr. J. S. Davenport, for the Cherokee Nation.

WATT STARR, (being sworn by the Commission, testified as follows:
BY MR. DAVENPORT:

- Q State your name? A Watt Starr.
Q Where do you live? A Near Claremore.
Q How old are you, Mr. Starr? A 56 years old.
Q How long have you lived in the Cherokee Nation? A About 50 years
I was out 3 years during the war, and I have lived herein all my life
but that.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q In what district did you live in the Cherokee Nation before the
war? A Coingsnake.
Q Did you know before the war a slave by the name of Frank Whitwire?
A Yes sir.
Q To whom did he belong, if you know? A Belonged to Johnson Whit-
wire.
Q You know whether or not Frank went out during the war? A Yes sir
he went out.
Q Have you seen Frank Whitwire since the war? A Yes sir.
Q When was the first time you saw him after the war, Judge?
A Best I can recollect it was in '77 or '78 one or the other, I
don't recollect just which, in the fall.
Q Where was it you saw him? A On Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q Did you have any conversation with him at that time as to where
he had been and when he came back? A Yes sir.
Q State what that conversation was, as near as you can remember?
A He said he hadn't been back but a few days, just had come in a
few days before I saw him, and said he had been to Kansas; I asked
him why didn't he come back sooner, he said he just couldn't get back.
Q You had been raised with him before the war, or near him?
A Yes sir, in a mile and a half or two miles of him.
Q Before you met him this time you speak of did you hear that he
had returned? A I heard that he did, and I started over to see
him and I met him; we was raised up together and we were boys to-
gether.
Q And that's when he told you then that he had just come back from
Kansas? A Yes sir.

BY MR. SMITH.

- Q Mr. Starr, what date did you say that was? A '77, or '78, one or
the other.

Q When did you first have occasion to remember the date that you met him; when was the subject first made a subject of inquiry, after the time that you met him? A I talked about meeting him off and on, I never was sworn to any statement until the Kerns Clifton Court.

Q You testified before the Kerns Clifton court did you? A Yes sir.

Q Now from the time you met Frank Whitwire until the Kern Clifton court, you had no occasion to remember anything about the date that you saw him did you? A No I don't recollect.

Q That was some 28 or 30 years after you saw him wasn't it?

A I don't know when the Kerns Clifton court was; I kept no account of it.

Q That was in 1896 when the Kerns Clifton court sat? A I couldn't say.

Q You remember it has been within the last 7 or 8 years? A Yes sir.

Q Now you can't state whether it was in '87 or '88? A No, I know it was not then, it was in '87 or '76.

Q '87 or '76? A Yes, no, '87 about it.

Q You don't know anything about where he was in '87 or '88?

A No, I don't; he told me he was in Kansas; he told me just come from Kansas.

Q Now where were you in '87 and '88? A In Coingsnake District.

Q Where were you in '88? A Coingsnake.

Q Where were you in '85? A In the Choctaw Nation part of the time.

Q When did you return to the Cherokee Nation after the war? A I aint no slave.

Q I know, but many of the Cherokees went out? A I come back the fall after peace was made, in '65.

Q Nearly all of the Cherokees went out of the Nation during the war?

A No.

Q Most of them went out didn't they? A Several of them went out.

Q All I want to know is when you got back after the war? A '65, I think, in '65.

Q Now you never saw this slave, Frank Whitwire, until about in '77 or '78? A No, '77 or '88 one or the other, I couldn't just tell you which.

Commissioner: This testimony will also be made a part of the record in doubtful Cherokee Freedman case, card No. 974.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) W.D.Green.

Subscribed and sworn to before me this October 7th, 1901.

(Signed) E.L. Needles,
Commissioner.

Lona Merrick, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she copied the above and foregoing testimony on the 16th day of January, 1901, and that the same is a true and correct copy of the original.

Lona Merrick

Subscribed and sworn to before me this 18 day of January, 1904.

Edward Merrick
Notary Public.

FILED IN C. 17.

956, Frank Whitrice, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February, 17, 1901.

SUPPLEMENTAL REPORT OF CHARLES W. HASTINGS in the
Matter of the application of Frank Whitrice et al., for enrollment
of Cherokee Freedmen.

Appearances:

Mr. Smith, of Mallett & Smith, attorneys for appli-
cants, post-office, Vinita, I.T.
W. W. Hastings, of attorneys for the Cherokee Nation.

CHARLES W. HASTINGS, being sworn and examined testified as follows:

CHARLES W. HASTINGS:

- Q What is your name? A Charles W. Hastings.
Q How old are you? A 40.
Q What is your post-office address? A Parkville, Missouri.
Q How long have you lived in the neighborhood of Parkville, Missouri?
A I have lived there in the neighborhood of Parkville Missouri,
I have lived there about thirty years.
Q You know colored men up there by the name of Frank Whitrice?
A Yes sir, used to know him?
Q Did you know his wife? A Yes sir.
Q What was her name? A She went by the name of Jane Whitrice up
there.
Q Did you know her before he married her? A No sir.
Q Did this Frank have any children? A Yes sir.
Q You remember any of their names? A I remember two of them their
names, Charley was one of them and one Oscar, and he had a girl
I can't tell her name.
Q When did you first learn to know Frank Whitrice and his family?
A Along about '73.
Q How long did you know them there? A I knowed them up until along
about '80 or '81.
Q 7 or 8 years? A Yes sir.
Q Were they living up there? A Yes sir.
Q In a place? A Yes, in a half mile of where I was raised at.
Q Was it in town or in the country? A In the country on a farm,
he farmed there.
Q Where were you living? A I was farming, worked for a man on
a farm.
Q Was Frank younger or older than you? A Frank was older than I
was.
Q About how much? A I suppose Frank must have been 15 or 16
years older than I was.
Q How long?
A Well he got out his gun, his traps and told he had
worked with the Cherokee Indians and was coming to the Cherokee
Nation, and I showed him the way to the depot for him.
Q You remember that year that he came? A That was in the year of '80
I think.
Q And you saw him again about '82 or '83? A Yes sir.
Q During that time I believe he was your neighbor? A Yes sir.
Q You saw him frequently during that time? A Pretty near every
day, I was his neighbor, he was the man that raised me there, worked
for him.

Q What did you say your name was? A Sam Coleman.

Q You say this man that you're talking about is 18 years older than you are? A I said I supposed he was 10 or 15 years older, I don't know exactly his age.

Q How old are you? A 46.

Q You don't know anything at all of the whereabouts of Frank Whitire, or any of his family, before '72 or '73 when you first got acquainted with them? A No sir.

Q You don't know where they were then? A No sir.

Q Where were you living in '72 or '73? A I was living up near Berlin, in Platt County, Missouri.

Q How long has it been since you saw this man Frank Whitire?

A It has 11, as well as I can remember that he left there.

Q You haven't seen him since? A No sir.

Q You don't know anything about a man that is looking for a man that would be talking about you? A I don't know it, but I think it is.

Q You don't want to know anything about it you think? A Well of course I would know it.

Q Where were you born?

A Near the town of Warville, Missouri from Springfield, Missouri, I don't know exactly how far it is.

Q How far was it from where you first knew this man? A It is '72, how far was it from where you moved to there to live? It is '73 that is the year I want to get it; you come from the neighborhood

Q Where was it? A I can't find the neighborhood, the way I lived; I moved before I moved to my residence where I lived.

Q Now, you say you first met this man, the man you are identified as being:

Q I met him at the home of my father and I don't know.

Q Where was your home? A Warville, Platt County, Missouri.

Q Where was your home at that time?

A I don't know where it was there, I don't know where it is.

Q How long did you live there? A Yes sir.

Q How long did you live there? A I don't know how long I lived there; I don't know how long I lived there.

Q How long did you live there? A I don't know how long I lived there.

Q How long did you live there? A I don't know how long I lived there.

Q How long did you live there? A I don't know how long I lived there.

Q How long did you live there? A I don't know how long I lived there.

Q How long did you live there? A I don't know how long I lived there.

Q How long did you live there? A I don't know how long I lived there.

Q How long did you live there? A I don't know how long I lived there.

Q How long did you live there? A I don't know how long I lived there.

W. L. Price, being first duly sworn, states that as
it appeared to the Court prior to the Five Civilized Tribes, he
correctly received the testimony and proceedings in this case and
let the Court in his testimony and proceedings in this case be
correctly received.

(signed) W. L. Price.

The original was sworn to before me on this day, January 14, 1908.

(signed) W. L. Price.

Commissary.

Lone Merrick, being duly sworn, states that as it appeared
to the Commission to the Five Civilized Tribes, he copied the above
testimony on the 10th day of January, 1908, and that the
same is a true and correct copy of the original.

Lone Merrick

The original was sworn to before me on this day, January 14, 1908.

Edward Merrick
Commissary.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Whitmire as a Cherokee Freedman.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 28, 1902, Annie Whitmire appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Cherokee freedman. Copies of the proceedings had at Nowata, Indian Territory, on June 29, 1901, at Fort Gibson, Indian Territory, on September 27, 1901, and at Muskogee, Indian Territory, on February 17, 1902, before the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank Whitmire, et al., as Cherokee freedmen, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Annie Whitmire, was born since 1866, and is the daughter of one Frank Whitmire, who was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and whose application for enrollment as a Cherokee freedman was, among others, granted by the Commission to the Five Civilized Tribes on December 16, 1904, and its action approved by the Secretary of the Interior on November 2, 1906 (I.T.D. 3396, 8393, 8445, 8479, 8497, 8583, 8585, 8589, 8649, 8787, 8791, 8793, 8795-1905). The evidence further shows that said applicant has resided continuously in the Cherokee Nation since birth, and is identified on the Kern-Clifton and Wallace rolls of Cherokee freedmen.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Annie Whitmire is entitled to enrollment as a Cherokee freedman, and her application for enrollment as such is accordingly granted.



Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 11 1902

(COPY)

Land.
2223-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 1, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maria Ross for herself, her husband, Jacob Ross and her daughter, Ella Ross; by George Ross for himself, his wife, Rose Ross and their minor children, Fred and Stella Ross; by Moses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Skaggs for herself; by Willie Ross for himself, his wife, Rosa and their minor children, Emma and Lee Etta Ross; by Thomas Archer for himself; by Eli Archer for himself; by Celia Chambers (now Thompson) for herself, her minor children, Aleck, Goldy, and Elsie May Adair, and her minor grandchild, Lela Whitmire; by Josie Brown for herself and her minor children, Gracie, Claudy and Celia Brown; by Benjamin Adair for himself, his wife, Lizzie Adair, and their minor children, Isaac, Ollie, George, Cleveland and Aid Adair; by Abbie Rowe for herself and her minor children, Arthur, Minnie and Abbie Rowe; by Peter Adair for himself; by Frank Whitmire for himself and his minor

children, Jesse, Ada, George and Bessie Whitmire and Ella Bryant (formerly Whitmire); by Austin Whitmire for himself and his minor children, Cora, Mineola, Josephine and Arthur Whitmire; by Nelson Whitmire for himself, and by Abbie Wayhew for herself.

December 16, 1904, the Commission decided favorably to Rachel Ross, Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair; Lela, Frank, Tesse, Ada, George, Bessie, Austin, Cora, Mineola, Josephine, Arthur and Nelson Whitmire; Ella Whitmire Bryant and Louisa Burney and adversely to all the other applicants.

The record shows that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers, Abbie Mayhew and Frank Whitmire were slaves of Cherokee citizens at the beginning of the war of the rebellion and were taken out of the Cherokee Nation, and that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers (now Thompson) and Abbie Mayhew did not return to the Nation on or before February 11, 1867, but that Frank Whitmire did return prior to said date.

It is also shown that Ella, George, Moses, Willie, Fred, Stella, Emma and Lee Etta Ross and Rosanna Skaggs, Sarah Allen and Oscar Tucker are the children and grand children of Jacob and Maria Ross born since 1866, and possess no rights to enrollment except as their descendants; that Louisa Burney was born subsequent to the date of the 1880 roll, and is the minor child of one James Burney, who is identified on the 1880 authenticated Cherokee roll; that Rose Ross, the wife of George Ross was born since 1866 and claims right to enrollment through her father, one Louis Gibson, whose application

has been denied and the adverse decision affirmed by the Department November 19, 1903 (I.T.D. 6188, 8060-1903); that Eli Archer and Rosa Ross, wife of Willie Ross were born since 1866, and are the descendants of, and claim right to enrollment through Thomas Archer and his wife Delsie Archer, who returned to the Cherokee Nation with her husband subsequent to February 11, 1867; that Rachel Ross wife of Moses Ross, Jesse, Ada, George, Bessie, Austin, Nelson, Cora, Mineola, Josephine, Arthur and Lela Whitmire, Ella Bryant, Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair are the children and grandchildren of Frank Whitmire, born since 1866, and claim right to enrollment through him; that Aleck, Goldy, Elsie May, Benjamin and Peter Adair, Josie, Turner, Bessie, Gracie, Claudy and Celia Brown, and Abbie, Arthur, Minnie and Abbie Rowe are the children and grand children of Celia Thompson, born since 1866, and claim right to enrollment through her.

It does not appear that any of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

N.M.W.(w)

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.3396, 8393, 8445,
8479, 8497, 8583,
8585, 8589, 8649,
8787, 8791, 8793,
8795-1905.

November 2, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 7, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for the enrollment of Jacob Ross et al. as Cherokee freedmen, including its decision of December 16, 1904, rejecting the applications of Jacob, Mariah, Ella, George, Rose, Fred, Stella, Moses, Willie, Rosa, Emma, and Lee Etta Ross; Sarah Allen; Oscar Tucker; Rosanna Skaggs; Thomas and Eli Archer; Celia Thompson; Aleck, Goldy, Elsie May, Benjamin, and Peter Adair; Josie, Turner, Pessie, Gracie, Claudy, and Celia Brown; Abbie, Arthur, Minnie, and Abbie Rowe; and Abbie Mayhew; and granting the applications of Rachel Ross; Louisa Burney; Lela, Frank, Jesse, Ada, George, Pessie, Austin, Cora, Mineola, Josephine, Arthur, and Nelson Whitmore; Ella Bryant, and Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair.

Reporting April 1, 1905 (Land 2223), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, motions for review were filed in the matter of the applications of Moses Ross, Abbie Rowe et al., Celia Thompson et al., Rose Skaggs, Ella Ross et al., George Ross et al., Jacob Ross et al., Abbie Mayhew, Benjamin Adair, Sarah Allen et al., Eli Archer et al., and Thoms Archer.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will notify local attorneys of departmental action.

The papers in the case, including said motions for review, have been sent to the Indian Office for its files.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 14 to Ind. Of.

Cherokee
D 1125.

Muskogee, Indian Territory, December 31, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 31, 1906, granting the application for the enrollment of Annie Whitmire, as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case, a copy of which you will be required to furnish the applicant. If you fail to file a protest within the time allowed this decision will be considered final.

Respectfully,

Encl. H. J. - 34.
H. J. C.

Commissioner.

Cherokee Freedman
D II25

Muskogee, Indian Territory. January 17, 1907.

Annie Whitmire,

Wimer, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, Dated December 31, 1906, granting your application for enrollment as a Cherokee Freedman.

You will be advised when your name has been placed upon the schedule of Cherokee Freedmen and approved by the Secretary of the Interior.

Respectfully,

E. R. C.
Enc. E. C. - 4.

Commissioner.

Amick

Cherokee, Pro. Am. D-1180.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE GENERAL LAND OFFICE.

In the matter of the application for the enrollment of Annie
Whitire as a Cherokee Freedman.

DECISION.

The record in this case shows that Annie Whitire appeared
before the Commission at Tuscaloosa, in the Territory of June 28,
1896, and made a declaration of enrollment as a Cherokee Freedman.
Copies of the testimony in the case of Frank Whitire, et al.,
Cherokee, Pro. Am. D-918 are filed herewith and made a part of the
record in this case.

The evidence in this case shows that the applicant, Annie Whitire,
is a daughter of Frank Whitire who was the slave of a Cherokee
citizen at the commencement of the rebellion; that said re-
sidence of said Frank Whitire is in the Cherokee Nation at
Tuscaloosa, Alabama, and is a residence therein within the time
specified in the decree of the Court of Claims rendered on February
7, 1896, in the case of Francis Whitire, trustee, et al., vs.
Cherokee Nation, et al., and the removal of Cherokee Freedmen to
said Nation.

It is therefore held from the evidence herein that the appli-
cant is a descendant of a slave who lived and resided in the Cherokee
Nation prior to the date of her father's removal and is included in the list of
Cherokee Freedmen.

It is further held, in compliance of this Commission, that Annie
Whitire is a Cherokee Freedman, in accordance
with the provisions of the Act of Congress of the 23rd of October,
1875, (19 Stat. 498), and it is so ordered.
Dated at Washington, D. C., this 10th day of July, 1896.

COMMISSIONER
[Signature]
C. R. Burdette
[Signature]



Applicant claims through her father, Frank Whitmore.
Frank Whitmore is an applicant for enrollment as a Cherokee Freed-
man and is listed on a doubtful card.

This case should be consolidated with that of Frank Whit-
more, or some reference should be made to disposition made of
Frank Whitmore application.

3/17/04

B. C. T.

EMPTY

Cher Fr 1544

Trans. from M. M. 104

Cher Fr 1544

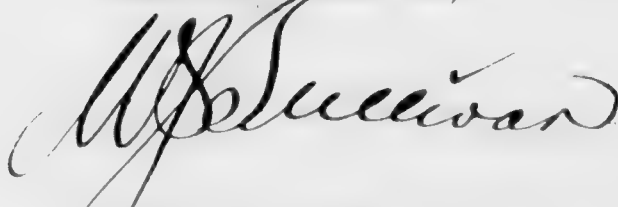
IN THE MATTER OF THE APPLICATION OF JULIA VANN, FOR ENROLLMENT,
AS A CHEROKEE FREEDMAN.

Motion to re-view.

The records of the Commissioner to the Five Civilized Tribes will show, that on October 31st.1904, the Attorney herein addressed a communication asking to be apprised of a convenient date whereon application might be made for said applicant, thereafter on November 3rd.1904 Tams Bixby, Chairman replied calling attention to Section 30 of the Act approved July 1st.1902, subsequent thereto a statement of facts ~~was~~ ^{was} transmitted to the Secretary of the Interior, and in reply thereto the Acting Commissioner of Indian Affairs addressed a letter, the same being made a part of this record and attached hereto, (Land 20613-1904)., wherein he advised that application should have been made to the Dawes Commission, just how that procedure could have been had is not within our knowledge, consideration being given the letter of reply from said Bixby of November 3rd.1904. (and which is hereto attached).

The former statement of facts together with the letters referred to and the birth and death certificates are sufficient to bring the applicant within the Act of April 26th.1906, respecting applications made prior to December 1st.1905.

Respectfully submitted/



Attorney for Ben Vann father of
Julia Vann.

To The Secretary of the Interior.

Through the Dawes Commissioner and Commissioner of Indian Affairs.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Julia Vann, born on the 7 day of July, 1902
(Here insert name of child.)
Name of Father: Ben Vann freedman a citizen of the Cherokee Nation.
Name of Mother: Irene Vann not a citizen of the Cherokee Nation.
Postoffice Muskogee, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Irene Vann, on oath state that I am 24
years of age and ~~a~~ not a citizen by of the Cherokee Nation;
that I am the lawful wife of Ben Vann, who is a citizen, by
freedman blood of the Cherokee Nation; that a female child was
(Male or Female.)
born to me on 7 day of July, 1902; that said child ~~has~~ ^{was} been named
Julia Vann, and is ~~now living~~ now dead

(Signed) Irene Vann
WITNESSES TO MARK:

(Must be Two Witnesses.)
SEAL W. J. Sullivan
C. H. McRoberts

Subscribed and sworn to before me this 24 day of September, 1904.
(Signed) J. R. Campbell
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Katie Vann, a midwife, on oath state that I
attended on Mrs. Irene Vann, wife of Ben Vann
on the 7 day of July, 1902 that there was born to her on said date a female
(Male or Female.)
child; that said child is now ~~living~~ dead and is said to have been named Julia Vann

SEAL Katie Vann
WITNESSES TO MARK: mark

SEAL (Must be Two Witnesses.)
L. G. Woodward
Dunk Vann

Subscribed and sworn to before me this 28 day of October, 1904.
(Signed) Charles M. Woodward
Notary Public.
My Com expires Sept 21" 1907

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Julia Vann
(Here insert name of deceased)
freedman
a citizen of the Cherokee Nation, who formerly resided at or near
Lenepah, Ind. Ter., and died on the 17th day of
October, 1902
(Here insert name of postoffice)

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Western DISTRICT. }

I, Irene Vann, on oath state that I am 24
not
years of age and a citizen, by Cherokee Nation;
that my postoffice address is Muskogee, Ind. Ter.; that I am
(Here insert name of postoffice)
the mother of Julia vann
(State relationship: as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
freedman of the Cherokee Nation
who was a citizen, by Cherokee
and that said Julia vann died on the 17 day of
(Here insert name of deceased.)
October, 1902.

WITNESSES TO MARK:

(Signed) Irene Vann

(Must Be Two Witnesses) {
W. J. Sullivan
C. M. McRoberts

Subscribed and sworn to before me this 24 day of September, 1904.

(SEAL)

(Signed) J. B. Campbell

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, W. L. Stephens M D, on oath state that I am 45
not
years of age, and a citizen by Cherokee Nation;
that my postoffice address is Lenepah, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with Julia Vann of Lenepah I T
(Here insert name of deceased.)
freedman of the Cherokee Nation;
who was a citizen, by Cherokee
and that said Julia vann died on the 17 day of
(Here insert name of deceased.)
October, 1902.

WITNESSES TO MARK:

(Signed) W. L. Stephens M D

(Must Be Two Witnesses) {

Subscribed and sworn to before me this 24th day of September, 1904.

(SEAL)

(Signed) W. B. Twichell

Notary Public.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

Ruth Wann

as a citizen of

Cherokee **Nation.**

Approved. **190**...

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED MAY 28 1906

Tams Bixby,
Commissioner

RECEIVED MAY 19 1906

DEPARTMENT OF THE INTERIOR, COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation, of Ruth Vann, born on the 13th day of May 1903. Name of Father: Ben Vann, a citizen of the Cherokee Nation. Name of Mother: Irene Vann, a citizen of the United States Nation. Tribal enrollment of father: Cherokeea 2048. Tribal enrollment of mother: No tribal enrollment. Postoffice: Mother Irene Vann, Muskogee, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Western District.

I, Irene Vann, on oath state that I am 26 years of age and a citizen by of the United States Nation; that I am the lawful wife of Ben Vann, who is a citizen, by Adoption of the Cherokee Nation; that a girl child was born to me on 13th day of May 1903; that said child has been named Ruth Vann and was living March 4, 1906.

SEAL (Signed) Irene Vann

WITNESSES TO MARK:

Must be Two Witnesses

Subscribed and sworn to before me this 18th day of May 1906.

(Signed) L. A. Bell, Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Northern District.

I, Katy Taylor, mid-wife, on oath state that I attended on Mrs. Irene Vann, wife of Ben Vann on the 13th day of May 1903; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Ruth Vann.

SEAL

WITNESSES TO MARK:

Must be Two Witnesses

Subscribed and sworn to before me this 16th day of May 1906.

(Signed) W. B. Twichell

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 21, 1906.

In the matter of the application for the enrollment of
JULIA VANN as a Cherokee Freedman.

APPEARANCES:

For Applicant, W. J. Sullivan.
For Cherokee Nation, W. W. Hastings.

The records of this office show that the hearing of this case was set for September 20, 1906, but by agreement between the Attorneys for Applicant and the Cherokee Nation was continued until this day, at which time the following proceedings were had.

BEN VANN, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. SULLIVAN:

- Q What is your name? A Ben Vann.
Q Where do you live? A Muskogee, Indian Territory.
Q Are you a recognized citizen of the Cherokee Nation? A I am.
Q Have you made application for citizenship for yourself? A I have.
Q Has your citizenship been approved? A Yes sir.
Q Are you on any rolls of the Cherokee Nation? A On the Freedmen roll.
Q Are you on the 1880 Roll? A Yes sir.
Q You have received your allotment of land in the Cherokee Nation?
A I have.
Q Do you know Julia Vann? A Yes sir.
Q Who is she? A daughter of Ben Vann, my daughter.
Q Who is Julia Vann's mother? A Irene Vann.
Q Is Irene Vann a citizen of the Cherokee Nation? A No sir, a citizen of the United States.
Q Did you ever make application for the enrollment of Julia Vann?
A I attempted to, yes sir.
Q What do you mean by attempted to? A I mean I came before the Commission to make it.
Q When was that? A Why I don't know the exact date.
Q What did they tell you? A They told me it was too late.
Q Then what did you do? A Then I went over to your office to have you attend to it.
Q Came to my office after you attempted to make application for Julia Vann? A Yes sir.
Q Is Julia Vann living or dead? A She is dead.
Q When did she die? A 17th of October.
Q What year? A 1903 I believe. It has been so long it has slipped my memory.

BY MR. HASTINGS:

- Q Who is Irene Vann? A That is a daughter of Frank Hardin a man from Memphis, Tennessee.

- Q Where is she? A Well I don't know, she was around town here somewhere the last time I heard of her. She went off with a porter down in Texas somewhere.
- Q Is that the alleged mother of this child? A Yes sir.
- Q When was the last time you ever saw her? A She was here in,-- lets see,--I believe it was May. I filed an affidavit for another child, Ruthie Vann, enrolled under that too late roll, I got her to sign the affidavit.
- Q That was the last time you saw her? A Yes sir.
- Q Did she sign this affidavit at your solicitation and request?
- A Which of Julia Vann.
- Q Yes? A Did she sign it?
- Q Yes? A Yes sir, she signed it.
- Q I say did she sign it at your solicitation and request, this affidavit with reference to the birth of Julia Vann? A Yes sir, she signed it.
- Q You listen to what I say, at your solicitation and request? Did you go and ask her and get her to sign this affidavit? A No sir, we and her were living together.
- Q Did you get her to make it? A Why we both amix went and made it.
- Q Didn't you ask her to? A Why she knew as well as I did.
- Q When did you and she marry? A The 16th day of July, 1895.
- Q Got any marriage license? A No sir.
- Q Got any marriage record? A No sir.
- Q Has it been filed here? A No sir, we were married under Cherokee law.
- Q Who married you? A A preacher named William Bell.
- Q Where? A Lenapah, Indian Territory.
- Q In 1895? A Yes sir.
- Q How long did you live with her? A I lived with her until here about a little over a year ago.
- Q Continuously all the time? A Yes sir.
- Q Where did you keep house? A Out here in town down here on South Second and Boulevard, then lived across on the East side, and stayed over at Tahlequah awhile.
- Q That is within the last year or two? A Yes sir.
- Q Where did you live, say from 1895 upuntil the time the Cherokee Land Office opened, up until January, 1903,--the first 7 or 8 years you were married? A Right at Lenapah.
- Q Continuously? A Yes sir, except when I made my enrollment, I lived at Vinita then.
- Q Where was this child Julia born? A At Lenapah.
- Q Did you have any Doctor to wait on your wife at that time? A Dr. W. L. Stephens and ~~the~~ Aunt Katie Vann.
- Q Where did this child die? A It died in Lenapah.
- Q Now are you positive as to the date of the death of this child?
- A I am positive as to the day of the month, of that I am sure.
- Q Well what day was it? A The 17 day of October.
- Q Were you and the mother of this child living together as husband and wife? A Yes sir.
- Q Had you ever been previouly married? A No sir.
- Q Had she? A No sir.
- Q And you were living together at the time this child died? A Yes sir.
- Q And living at Lenapah? A Yes sir, Lenapah, Indian Territory.
- Q Did you have a Doctor with this child, --during it last sickness?
- A Yes sir.
- Q Who? A Dr. Stephens.
- Q Is he a colored or white man? A White man.
- Q Where does he live now? A Lenapah, right now.

- Q Is that Dr. W. L. Stephens? A Yes sir, I think he signs his name W. L. Stephens if I aint mistaken.
- Q Where were you yesterday? A I was at Tulsa.
- Q Didn't you telephone me your wife was sick? A Yes sir, I did.
- Q Do you mean the mother of this child? A No sir.
- Q Are you divorced from her? A Yes sir.
- Q When? A Along last fall.
- Q 1905? A Yes sir.
- Q And you have since married? A Yes sir.
- Q When did you first file? A Well sir I made the first filing on the 11 day of May, 1903.
- Q At Vinita? A No sir, Tahlequah.
- Q Now were you living at Tahlequah at that time? A No sir, I was living at Vinita.
- Q You were around Tahlequah and around the Land Office a good deal along about that time? A Yes sir, I was.
- Q You assisted a number of people in filing didn't you? A I did.
- Q And you appeared and testified before the Land Office in a number of matters didn't you? A No sir, not in a number of matters.
- Q You had with reference to your own filing, you testified more or less? A To my own filing?
- A Yes? A I had no testifying to do only what I filed.
- Q Didn't you relinquish some land? A One time I believe.
- Q You were around that Land Office particularly all of that year of 1903? A No sir, the latter part of 1903.
- Q Assisted people in filing? A A few of them.
- Q Helped to make out the plats of land and things of that kind? A I did for some of them.
- Q You understood it? A Certainly I did.
- Q Now why is it you didn't make application for this child?

Mr. Sullivan: We object to that as immaterial.

On Behalf of the Commissioner: The objection will be noted.

- Q Why didn't you make application for the enrollment of this child?
- A In 1903 while I was over there.
- Q Yes, or before? A I don't know exactly, it might have been before when I made it.
- Q Why didn't you make application before September 1, 1902, or before October 1, 1902? A I don't know.
- Q Where were you living in the fall of 1902? A I don't know positive, I think I was living at Vinita.
- Q Now can you give the Commissioner any excuse why you didn't apply for the enrollment of this child? A Yes sir.
- Q Now tell it? A I came here to make application for the child.
- Q You say that was when you went to see Mr. Sullivan, your present Attorney, and the records here show that he addressed the Commission,--he alleges that he addressed the Commission on the 31st day of October, 1904, more than a year,--a year and a half after you filed yourself at Tahlequah, and yet you say that that is the first time that you attempted to make application for the child, and went over to Mr. Sullivan's office? A It might have been the year 1903 when I came to make the application.
- Q Didn't you testify awhile ago that when they wouldn't let you apply you went to see Mr. Sullivan about it? A I might have afterwards.
- Q Didn't you say that you did at the time? A No sir, not right at that time, it might have been six months after that time.
- Q Where did you attempt to make application? A Right here in this office.
- Q When? A I don't know the exact date.

- Q What day of the month is this? A I don't know, I believe it is the 21st.
- Q What year? A 1906.
- Q Do you state now that you don't know the date of the death of your child? A I told you the 17 day of October.
- Q I want to know the year? A I aint exactly positive, either 1902 or 1903.
- Q Do you know how many years ago it was? A I wouldn't like to say, I might be mistaken. I wouldn't like to state a thing unless I know exactly.
- Q Yet you never made application for the enrollment of this child at Tahlequah?

Mr. Sullivan: I object, that is immaterial.

On Behalf of the Commissioner: The objection will be noted.

- Q You never made application for the enrollment of this child at Tahlequah? A I didn't know they were making applications over there.
- Q Never attempted to make any? A Not at Tahlequah.
- Q Never said anything about it when you filed? A I did.
- Q Told the filing clerk did you? A I spoke about it when I filed.
- Q How you know that the child was dead when you filed? A Sure I do.
- Q You know the date of your filing? A Yes sir.
- Q And still you don't know whether it died in 1902 or 1903? A Filing is every well remembered, a man got his certificate before his face every day.
- Q You know the date of your filing but you don't know the date of the death of your child? A I had occasion to know that.
- Q Do you know it? A I know it was the 17 of October.
- Q Do you know the year of its death? A I know it was either 1902 or 1903, the 17 day of October.
- Q Haven't you sworn you filed on the 11th day of May, 1903? A Yes sir.
- Q And haven't you sworn the child was dead at that time? A You never asked me that.
- Q Didn't I ask you if the child was dead when you filed? A No sir, you didn't.
- Q Was it dead? A I told you I would not be positive about it.
- Q Have you ever brought any other witness before the Commission to testify as to the date of the death of this child? A Yes sir.
- Q Have you ever been arrested? A I have.
- Q Where? A Vinita.
- Q In what District? A Northern District.
- Q Were you ever arrested before? A No sir.
- Q In the Cherokee Court or U. S. Court? A No sir.
- Q What were you arrested for? A False Pretense they said.
- Q Were you ever arrested before? A Not as I remember.
- Q Would you remember? A I don't know exactly.
- Q You wouldn't know exactly whether you were arrested or not? A I was arrested once I am satisfied, I have been two or three times in City Court.
- Q That is what I am asking you about?

Mr. Sullivan: We object to this line of examination, the fact that a man was arrested has no bearing upon the application of this child.

On Behalf of the Commissioner: The objection will be noted.

- Q Were you ever arrested more than the one time that you state in the Northern District? A I might have and might have not.

- Q Don't you know? A Not exactly I don't.
Q Do you recognize that you are under oath, that you were sworn awhile ago by a Notary Public? A Certainly I was.
Q You were sworn all right? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Now you know Bas Rasmus? A I know old man Rasmus at Tahlequah.

(Here Representative of the Commissioner takes witness to show him the Notary Public, B. P. Rasmus, who swore him, and on returning witness states he knows Mr. Rasmus).

BY MR. HASTINGS:

- Q Now then how many times have you been arrested? A Once that I can recollect just at this time.
Q You don't remember of ever having been arrested but just once?
A I was arrested once a good while ago in the City Court, I recollect that.
Q Are you willing to swear positively that this child was alive and in being on the first day of September, 1902? A Yes sir.

BY MR. SULLIVAN:

- Q Mr. Hastings has asked you about being a witness in a good many cases, that is true is it not? A In a good many cases before the Land Office?
Q Yes? A No sir, I was never a witness in nare case before the Land Office.
Q Have you been a witness in citizenship cases? A I have not.
Q At the time this child was born you and Irene were husband and wife? A Yes sir.
Q Since that time you have been divorced? A Yes sir.
Q Where were you divorced, in what Court? A Vinita Court.
Q Are you married now? A Yes sir.

BY MR. HASTINGS:

- Q Was this child buried in a store bought coffin or did you make one? A No sir, Mr. Winters the blacksmith up there made a coffin and donated it to us.
Q Is he living in Lenapah yet? A No sir, he lives just above there about a mile.

ON BEHALF OF THE COMMISSIONER:

- Q You say the last time you saw Irene Vann, the mother of your child Julia Vann was it the time you appeared before the Commission and made the application for the child's enrollment? A No sir, I had the application filed out and sent it to Lenapah and I told my daddy to take it before Aunt Katis, because it required the mid-wife to sign the affidavit, and he did so, and he came down here and I come down here and found found her and had her to sign it here before a Notary Public, that is for Ruthie Vann.
Q When did you separate, you and Irene? A We have been separated about a year and a half I guess, or a little better.
Q You have a child named Ruthie Vann? A Yes sir.
Q When was she born? A She was born the 13th day of May, 1903.
Q How much difference was there in the dates of the birth of Julia and Ruth? A Now I couldn't tell you exactly.
Q Well was there as much as ten months? A There was worse than that I know it was worse than ten months,--worse than 12 months.
Q You mean by worse than that, more than ten months? A Yes sir.
Q I will ask you if you have ever addressed any letters to this office in regard to the enrollment of your child Ruth Vann? A I have addressed two I believe.

- Q That is Ruth, not Julia? A That is Ruthie Vann.
- Q Do you remember whether you stated in either of those letters the date of the birth of Ruth Vann? A No sir, I don't know exactly whether I did or not. I wrote those letters to the Commissioner. I had some land I wished to hold for her and they told me to write a letter here to the Commissioner, and I wrote one, and the first one he claimed was filed on.
- Q I am not speaking in regard to the land? A That is about all the letters I have ever written here in regard to Ruthie Vann.
- Q I will show you this letter, signed by Ben Vann, and written from Tulsa, Indian Territory, August 18, 1906, and ask you whether that is your signature? Is that your signature down there, is that your writing? A I don't know, it kinder favors my writing too.
- Q You want attempt to recognize your own signature? A Why it looks like my signature, yes sir.
- Q Now I will let you see the letter and read it then state whether you wrote it? A (Hands witness letter) I wrote that letter but that date is wrong.
- Q What date? A That in there.
- Q What date? A The date about being the 7th day of July.
- Q Is the statement in that letter that Ruth was born on the 7th of July, 1902? A I believe it is if I read it right.
- Q Now is that statement in there that Ruth was born July 7, 1902?
- A If I understand it right that is what it meant.
- Q It stated in that letter, "I received letter asking about the application of Ruthie Vann. The application was made for a Cherokee freedman. She was born the 7 day of July, 1902, at Lenapah, I. T. Her mother is named Irene Vann." Is that right? A That is her mother's name.
- Q Is that what the letter says? A Yes sir, that is what it says.
- Q Did you write that letter? A I guess I did, that is my hand writing.
- Q Is that your own hand writing? A I think so.
- Q How do you account for the date of the birth of Ruth as given in that letter? A I will tell you how I account for that, I was writin' a letter along about the same time about Julia Vann and in ~~the meantime~~ studying about it I made that difference, because Julia was born in 1903, still she was born in Lenapah.
- Q You stated just now that Julia was born in 1903? A I didn't say Julia.
- (Here answer to previous question was read witness).
- Q When you said that Julia was born in 1903 did you mean Ruth?
- A Yes sir, I meant Ruthie Vann.
- Q How many children have you and Irene had? A Just two.
- Q Which was born first? A Julia was born first.
- Q Has Irene had any children since you and she separated? A No sir.

BY MR. HASTINGS:

- Q What was the exact date of the birth of Ruth? A As near as I can remember now it was the 13th day of May, 1903.
- Q Now you filed on the 11th day of May, 1903, and was it two days after you filed or about the time you filed? A I was at Tahlequah just before she was born. I got a telegram that day to come home that night, it was on the 13th.
- Q The 13th of May, 1903? A As near as I can remember it was the 13th.
- Q How old was Julia when she died? A I want be positive about that Mr. Hastings, somewhere nearly a year.
- Q Well could she walk? A No sir, she could crawl around, walk around a chair or something like that. She was kinder of a sickly child.

- Q That was the first child born to you and your wife? A Yes sir.
- Q You and she were living together at the time? A Yes sir, living right in Lenapeh.
- Q Had you ever separated prior to that time? A Prior to the birth of Julia?
- Q Yes? A No sir.
- Q You lived continuously together from the time of your marriage up until after this child was born? A Yes sir.
- Q Now Ben if it was your first child and you lost it and that was only three or four or five years ago, you certainly would remember about how old that child was when it died? A Why not, unless I had time or something like that to go out and count the time up I might tell the exact date about it. You see at the time that child died my wife was sick and sick about three months afterwards, and I had a whole lot of trouble. Wasn't exactly like Ruthie for when me and her parted I took the child and kept her with me all the time.
- Q You know whether the child was as much as a year old or not when it died, that is Julia? A It must have been somewhere close to it. I couldn't say exactly.
- Q You know whether it was a year old or three months old. You know it was more than three months and ten days old? A I would be afraid to say. I don't like to say nothing unless I would be positive about it?
- Q Now then Ben if this child died as you state on the 17th day of October, and if it was born on the 7th day of July, the difference between July 7 and October 17 would be 3 months and 10 days, if it died that same year. Now if it lived around another year it would have been a year and 3 months and ten days old when it died, now do you mean to say to the Commissioner that you are unable to decide whether in your judgment it was nearer three months old or near a year and three months old when it died? A I would be afraid to say.
- Q You say the child was crawling about, standing up to a chair?
- A Yes sir, walking around a chair.
- Q You know it could not have done that if it was three months old?
- A I don't know, this last one commenced walking when it was 4 months old.
- Q This other one wasn't three months old when it died? A Yes sir.
- Q This matter has been pending quite awhile and you have had an Attorney to investigate it for you and still with all your thought about it, you are still unwilling to say anything as to the date of this child's death? A I am not unwilling but I would not like to say anything and not be positive about it.
- Q Now was Julia living when Ruth was born? A No sir.
- Q Well are you positive about that? A Yes sir.
- Q Was Julia wearing short dresses when she died? A Yes sir.
- Q You say she could walk around a chair and pull up by it? A Yes sir, a little bit.
- Q Begin to try to talk? A Oh no, no sir.
- ON BEHALF OF THE COMMISSIONER:
- Q Are you positive as to the date of the birth of Ruth? A Yes sir, I am positive about that because when she was born I got a telegram to come home and I went and borrowed \$1.25 from Mr. Hastings to go home on.
- Q Are you positive that your child Julia was born in the year 1902, could it be the year 1901 she was born in instead of 1902? A I will tell you I would be afraid to say, I don't think it was 1901, I think it was 1902, but I can't be positive about it.
- Q Now according to your statement the child Julia had begun to walk when she died and your statements tend to show that Julia was born July 7, 1902, and Ruth on May 13, 1903, and if these statements are correct there is only ten months and 6 days between the dates of the births of your children? A (No response).

- Q You also state that Julia was dead when Ruth was born? A Yes sir.
Q You want be positive now as to the date of the birth of Julia?
A No sir, not exactly.
Q Well are you sure that she was born before the first day of September, 1902? A Yes sir, she was born before then.
Q Are you sure she was born during the year 1902? A No sir, I don't know exactly.
Q Well if you are not sure that she was born in the year 1902, are you sure she died in that year? A Sure she died in that year. I would not say whether she died in that year or not, but she died on the 17 day of October.
Q Could that have been during the year 1901? A She could have died then.
Q You want be sure as to the date of her birth or the date of her death, is that it? A No sir, not according to the year.

BY MR. SULLIVAN:

- Q You didn't keep any record of it did you? A No sir.
Q This W. W. Stephens, Dr. of Lenapeh who makes affidavit in here who attended her in her sickness, waited her in the sickness in which she died, did he? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Is there any one here today who was present at the marriage of you and Irene? A That is in town?
Q Yes? A No sir, I don't believe there are. There were a number of people there at the wedding but they all live around Gooseneck and some at Coffeyville.
Q Have you got a certificate of your marriage? A No sir.
Q Did you say you were married by a Minister? A Yes sir, William Bell.
Q Is he living? A No sir, he is dead.
Q What is the name of your father? A Dunk Vann.
Q Art whose house were you married? A Right in father's house.
Q Irene Vann is not a citizen of the Cherokee Nation, you stated?
A No sir.
Q This child Ruth Vann living at this time? A Yes sir.

This case was here continued by agreement between Attorneys for Applicant and the Cherokee Nation, until October 11, 1906.

-----cCc-----

Geo. H. Messley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Messley

Subscribed and sworn to before me this 2nd day of September, 1906.

John E. Tidwell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE NINE CIVILIZED TRIBES.
WASHINGTON, D.C. OCTOBER 11, 1906.

In the matter of the application for the enrollment
of JOHN WARD as a Cherokee Freedman.

APPEARANCES:

Applicant appears by attorney, W. J. Sullivan,
Cherokee Nation by W. C. Hastings.

JOHN WARD being first duly sworn by Charles S. Webster,
Notary Public, testified as follows:

BY MR SULLIVAN:

- Q. What is your name? A. Frank Gardin.
Q. Where do you live? A. Tulsa.
Q. Do you know Ben Wann? A. Yes sir.
Q. Do you know the woman whom he claims as his former wife, Irene?
A. Yes sir.
Q. Are you related to Irene Wann? A. I am her father.
Q. Were they ever husband and wife? A. Yes sir.
Q. Where were they married? A. Yes sir.
Q. Where? A. At Tenapah.
Q. How long did you know them? A. I was there.
Q. Saw them married? A. Yes sir.
Q. Do you know whether they had any children as the result of
that marriage? A. Yes sir, two.
Q. Do you know whether they had one called Julia? A. Yes sir.
Q. Is she living or dead? A. She is dead.
Q. When did she die? A. I don't know the time exactly, I was
living at Tinita at the time.
Q. How long ago was she old when she died? A. I think
she was about two years old. I could not tell exactly.

BY MR. HASTINGS:

- Q. When were Ben Wann and your daughter married?
A. I don't know exactly the year, but counting the years like
I count them, about ten years.
Q. Who married them? A. A man by the name of Bell.
Q. A preacher? A. Yes sir.
Q. Was your daughter ever married before? A. No sir.
Q. Had she ever lived with any other man as his wife?
A. No sir, she was only a few sixteen years old.
Q. Had Ben ever been married before that? A. No sir.
Q. How long had you known him before that? A. About ten years
I guess.
Q. You don't know when your child, Julia, was born? A. No I
don't know, I never paid any attention to it.
Q. And you don't know when she died? A. Well, I don't know just
exactly the month.

ON RECALL OF COMMISSIONER:

- Q. At whose house were these parties married? A. At his father's.

- Q. What was his name? A. Dunk Vann
- Q. What was Bell? A. Bell was a preacher
- Q. Of what church? A. Methodist.
- Q. Was he a colored man? A. Yes sir. He lived on Fil Williams's place.
- Q. Is he living? A. No sir, he is dead.
- Q. Do you know his full name? A. No sir, they called him Parson Bell, I never knowed his full name, I knew him as a preacher.
- Q. Did he have a church up in that country? A. Yes sir, cross over there on the Verdigris; he lived on Filmore Williams's place
- Q. Was there anyone else present at this marriage? A. Oh, yes, a house full of people.
- Q. Who some of them? A. Dunk and his wife, Old Man Bean and--
- Q. Where did Ben and Irene live? A. They lived at his father's a while, and then they moved down on his own place, down about a mile from Senapah.
- Q. How long did they live together? A. Lived together about ten years.
- Q. When did they separate? A. I don't know, they separated since they been down here, but you know how it is, they come and go, come and go.
- Q. How long ago has that been? A. Six or seven months.
- Q. Did they live together till six or seven months ago? A. Yes sir, she came to my house about six or seven months ago and I told me she was going to quit him, and I told her she had better stay with him, and I guess they quit.
- Q. Where did she go- have it she go? A. I don't know. The last time I had a letter from her she was talking about going to Coffeyville.
- Q. How long ago was that? A. About a month ago.
- Q. How many children did Irene ever have? A. Two.
- Q. What are their names? A. One was named Julia and I don't know what they did call the little girl, the last one, she stayed at our house a week or two, too, a month or so ago, but I just don't know what they did call her.
- Q. How old is that child? A. About three years old, I guess.
- Q. Did Ben and Irene live together or did they separate out to the neighborhood as husband and wife? A. Yes sir.

By agreement between attorneys for applicant and the Cherokee Nation, this case will be closed and a decision rendered on the evidence submitted.

Lucy C. Cowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings had in the above entitled cause and that the above and foregoing is a full, true, and correct transcript of her stenographic notes thereof.

Lucy C. Cowman

Subscribed and sworn to before me this 20th day of October, 1906

Charles E. Webster
Notary Public

(COPY)

IN THE MATTER OF THE APPLICATION OF JULIA VANN, FOR ENROLLMENT,
AS A CHEROKEE FREEDMAN.

Motion to re-view.

The records of the Commissioner to the Five Civilized Tribes will show, that on October 31 st. 1904, the Attorney herein addressed a communication asking to be apprised of a convenient date whereon application might be made for said applicant, thereafter on November 3rd. 1904 Tams Bixby, Chairman replied calling attention to Section 30 of the Act approved July 1st. 1902, subsequent thereto a statement of facts was transmitted to the Secretary of the Interior, and in reply thereto the Acting Commissioner of Indian Affairs addressed a letter, the same being made a part of this record and attached hereto, (Land 90913-1904)., wherein he advised that application should have been made to the Dawes Commission, just how that procedure could have been had is not within our knowledge, consideration being given the letter of reply from said Bixby of November 3rd. 1904. (and which is hereto attached).

The former statement of facts together with the letters referred to and the birth and death certificates are sufficient to bring the applicant within the Act of April 26th. 1906, respecting applications made prior to December 1st 1905.

Respectfully submitted,

(Signed) W. J. Sullivan

Attorney for Ben Vann father of

To the Secretary of the Interior. Julia Vann.
Through the Dawes Commissioner and Commissioner of Indian Affairs.

WILLIAM J. SULLIVAN
Attorney and Counselor at Law,
Muskogee, Indian Territory.
October 31st.1904.

The Honorable,

The Commission to the Five Civilized Tribes.

Muskogee,

Indian Territory.

Gentlemen:-I desire to be apprised of a convenient date, when, application, for enrollment as a Cherokee Freedman may be made for one Julia Vann.

The record will show that said Julia Vann, is the minor daughter of one Ben Vann, a recognized and duly approved Citizen of Freedman blood identified on the roll of 1880, and to whom allotment of land has been made. It will further show that said Julia Vann was living and in being on September 1st. 1902. and thereafter on October 17th. 1902 died, it will further show that no application has ever, heretofore been made for her said enrollment as a Cherokee Citizen.

Respectfully,

(Signed) W. J. Sullivan

Attorney for applicant.

(COPY)

GDR

Muskogee, Indian Territory, November 3, 1904.

W. J. Sullivan,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 31, asking to be advised of a date when application may be made for the enrollment of Julia Vann as a Cherokee Freedman.

In reply your attention is called to section 30 of the Act of Congress approved July 1, 1902 (32 Stats. 716), which provides:

"....the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two.

Respectfully,

(Signed) Tams Bixby

Chairman.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

JFN.

LAND:
90913-1904.

January 11, 1905.

William J. Sullivan, Esq.,
Attorney at Law,
Muskogee, Indian Territory.

Sir:

The office is in receipt of your communication of December 26, 1904, transmitting what you say is a statement of facts and record in the matter of the application of Julia Vann for enrollment as a Cherokee freedman. The records of this office do not show that any record pertaining to the case other than that transmitted by you has been received. It appears from the papers you forward that on November 3, 1904, the Commission to the Five Civilized Tribes replied to your letter of October 31, 1904, concerning the enrollment of the person mentioned and invited your attention to Section 30 of the Cherokee Agreement which provides that the application of no person for enrollment shall be received after the 31st day of October, 1902. If Julia Vann has made application to the Commission for enrollment and has been refused and you desire that the matter be passed upon by the Department, you should present your papers to the Commission and appeal from their decision in the regular way if you are dissatisfied therewith. The papers received with your letter are enclosed.

Very respectfully, C. F. Iarrabee
Acting Commissioner.

GAW: 4

DEPARTMENT OF THE INTERIOR

Before the Honorable Secretary.

In the matter of the application for the enrollment of
Julia Vann, as a Cherokee Freedman.

STATEMENT OF FACTS.

The following letter was addressed to the Dawes Commission on the 31st. of October, 1904, to wit:-

"I desire to be apprised of a convenient date, when application for enrollment, as a Cherokee Freedman may be made for one Julia Vann. The record will show that said Julia Vann, is a minor daughter of one Ben Vann, a recognized and duly approved citizen of Freedman blood identified on the roll of 1880, and to whom allotment of land has been made, it will further show that said Julia Vann was living and in being on September 1st. 1902. and there after on October 17th. 1902. died, it will further show that no application has ever, heretofore been made for her said enrollment as a Cherokee citizen."

Respectfully,
(Signed) W. J. Sullivan.
Attorney for applicant.

Thereafter the following letter was received from said Commission, towit

G.D.R. Muskogee, Indian Territory, November 3, 1904.

W. J. Sullivan,
Muskogee, Indian Territory.

Dear Sir:

"The Commission is in receipt of your letter of October 31, asking to be advised of a date when application may be made for the enrollment of Julia Vann as a Cherokee Freedman.

"In reply your attention is called to section 30 of the Act of Congress approved July 1, 1902 (32 Stats 716), which provides"

"....the application of no person whomsoever for enrollment shall be received after the thirty first day of October, nineteen hundred and two."

Respectfully,
(Signed) Tams Bixby
Chairman."

As briefly stated in the first communication, Julia Vann was born on on the 7th. day of July 1902, and thereafter on October 17th. 1902. the said Julia Vann died, affidavits of both facts, have been duly made out, and are made a part of this record. The father of applicant is identified on the 1880 roll and has been finally approved by the Honorable Secretary, and has received allotment of land from the Dawes Commission. His status as herein shown, proves coclusively he complied with the conditions prescribed in the Decree of the Court of Claims. And then we are brought to the question of the rights of a descendant of a person who comes within the purview of the Judgment of the Court of Claims Decree. And which said Decree among other things provides; that

"...., the said freedmen, who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who had returned thereto within six months of said last-mentioned date, and their descendants, were admitted into and became a part of the Cherokee Nation and entitled to equal rights and immunities, and to participate in the Cherokee National funds and commonproperty in the same manner and to the same extent as Cherokee citizens of Cherokee blood"

and again provided; that,

"It being understood that the freedmen and their descebdants....above referred to shall include only such persons of said class as have not forfeited or abjured their citizenship of said Cherokee nation at the date of the entering of this decree."

And further; that,

"for the purpose of ascertaining and determining who are the individual freedmen of the Cherokee Nation now entitled to share...shall accept what is known as the authenticated Cherokee roll, the same now being on file in the....."

Subsequent to the rendition of said decree, Congress passed an act approved July 1st. 1902 and ratified by the Cherokee nation at an election held August 7th. 1902, (Public No. 241) 32 Stats. 716. which provided, that;

"...the application of no person whomsoever for enrollment shall be received after the thirty first day of October, nineteen hundred and two."

To give this last law the interpretation which its phraseology implies, does in our judgment recognize the power of Congress to, interpret a court judgment, and place thereon an interpretation, and restriction which the language of the judgment does not warrant, and which was not in the minds of the court when the said judgment was rendered. It is not deemed necessary to refer to the Constitution of the United States or to enumerate the powers of Congress, as therein granted. Suffice it to say that the Freedmen of the Cherokee nation derive their rights under and by virtue of the so called Whitmire decree. same being the solemn written judgment of the Court of Claims, and no where in said judgment does a time limit for application for enrollment, appear, then by what authority does Congress on July 1st. 1902. or upon any other date restrict, modify, enlarge, abrogate, or in fact set a side a judgment of a court, of competent jurisdiction or otherwise. It is an undisputed fact that the Freedmen of the Cherokee Nation, derived their rights under the 9th. article of the Treaty of 1866. and thereafter a friendly suit was instituted in the Court of Claims, and a stipulated Judgment was the result, in other words it was a friendly adjudication of the rights theretofore had under the Treaty of 1866,

that being true then the Act of Congress of July 1st. 1902 must be ignored, in so far as it attempts to designate the time within which Freedmen must apply to the Dawes Commission for enrollment.

"Congress has no constitutional power to settle the rights under treaties except in cases purely political. The construction of them is the peculiar province of the judiciary when a case shall arise between individuals."

Wilson V. Wall, 6 Wall., 83.

Thus we see that Congress can only settle treaty rights, in their nature purely political, their construction is peculiarly judicial. Else it would not have been necessary to have sought a construction of the Court of Claims. Having sought it and a judgment rendered, all parties thereafter are bound. In making a roll of the Freedman citizens the Commission is authorized and directed, to wit:

"It shall make a roll of Cherokee Freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six".

Act of June 28th. 1898. (30 Stats. 495.)

The Department has held;

"Commissions duty is to enroll those entitled whether they make application or not".

Martha Smith et al. (Creek Case)

So giving for the sake of argument a construction which the language of the Act of Congress, July 1st. 1902. supra. implies, this applicant was living and in being on September 1st. 1902. and would fall within Section 25 thereof.

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes".

Wherefore, your Petitioner prays that the ruling of the Commission be set aside and held for naught, and that the said Commission be instructed to receive the application for the enrollment of Julia Vann, as a Cherokee Freedman. and that she be given all the rights and privileges of a descendant of one whose status has been defined under the treaty of 1866 and the so called Whitmire decree.

Respectfully submitted.

(Signed) W. J. Sullivan

Attorney for Petitioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the
Cherokee nation, of Julia Vann, born on the 7 day of July 1902
Name of Father Ben Vann a Freedman citizen of the Cherokee
Nation. Name of Mother Irene Vann not a citizen of the Cherokee
Nation.

Post-office Muskogee, Ind Ter.

AFFIDAVIT OF MOTHER

United States of America,
Indian Territory,
Western District.

I Irene Vann, on oath state that I am 24 years of age and not
a citizen, of the Cherokee Nation that I am the lawful wife of
Ben Vann, who is a citizen, by Freedman blood, of the Cherokee
Nation; that a female child was born to me on 7 day of July 1902
thatsaid child was named Julia Vann, and is now dead.

(Signed) Irene Vann

W. J. Sullivan
C. M. McRoberts

Subscribed and sworn to before me this 24 day of September
1904.

(SEAL)

(Signed) J. B. Campbell.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

United States of America,
Indian Territory.
Northern District.

I Katie Vann, a midwife, on oath state that I attended on Mrs. Irene Vann, wife of Ben Vann on the 7day of July, 1902, that there was born to her on said date a female child; that said child is now dead and is said to have been named Julia Vann.

her
Katie x Vann
mark.

L. G. Woodward
Dunkvan

Subscribed and sworn to before me this 28 day of October
1904.

(SEAL)

(Signed) Charles M. Woodward

Notary Public.

My Com expires Sept 21 1907.

COPY.

Cherokee Freedmen
M M

Muskogee, Indian Territory, August 21, 1906

Ben Vann,

Tulsa, Indian Territory.

Dear Sir:

This office is in receipt of your letter of August 16, 1906, relative to the alleged application for the enrollment of your child, Julia Vann, as a Cherokee Freedman.

In reply you are advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, September 20, 1906, and introduce testimony tending to show whether application was made for the enrollment of your said child as a citizen of the Cherokee Nation within the time prescribed by law.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire in the case.

Respectfully,

SIGNED.

Tame Dixby.

Commissioner

L M B

COPY.

Cherokee Freedmen
M M

Muskogee, Indian Territory, August 21, 1906

J. H. Heston,
Attorney for Cherokee Freedmen,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that John Vann, of Tulsa, Indian Territory, and John Corney, E. J. Sullivan, Muskogee, Indian Territory, have this day been advised that they will be permitted to appear before the Commissioner at his offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, September 7, 1906, and introduce testimony as they may desire tending to show whether or not application was made for the enrollment as a Cherokee freedman, of Julia Vann, child of Ben Vann, within the time prescribed by law.

Respectfully,

(SIGNED).

James Dwyer

Commissioner

E. J. E.

Cherokee
W M 104.

Muskogee, Indian Territory, September 24, 1906.

W. F. Sullivan,

Attorney for Julia Vann,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, on September 21, 1906, in the matter of the application for the enrollment of Julia Vann as a Cherokee Freedman.

Respectfully,

Incl. GL-75.
GHL

Commissioner.

Cherokee
M M 104.

Muskogee, Indian Territory, September 24, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, on September 21, 1906, in the matter of the application for the enrollment of ~~John Van~~ as a Cherokee Freedman.

Respectfully,

Incl. GL-76.
GHL

Commissioner.

Cherokee
M M 104
F N B 189

Muskogee, Indian Territory, October 26, 1906.

W. J. Sullivan,

Attorney for Ruth Vann, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, October 11, 1906, in the matter of the application for the enrollment of Ruth Vann, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-15.
GHL

Commissioner.

Cherokee
M M 104
F N B 189

Muskogee, Indian Territory, October 26, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, October 11, 1906, in the matter of the application for the enrollment of Ruth Vann, et al., as Cherokee freedmen.

Respectfully,

Incl. GJ-16.
GHL

Commissioner.

Cherokee Freed-
man N. B. 189
M M 104

Muskogee, Indian Territory, January 17, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

There is enclosed herewith a copy of the decision
of the Commissioner to the Five Civilized Tribes, dated January 17,
1907, granting the application for the enrollment of Julia and
Ruth Vann as Cherokee Freedmen.

Respectfully,

MH
Enc. M 15.

Commissioner.

Cherokee
F N B 189
M M 104

Muskogee, Indian Territory, January 26, 1907.

Ben Vann,

Tulsa, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 17, 1907, granting the applications for the enrollment of your minor children, Julia and Ruth Vann, as Cherokee Freedmen.

You will be advised when your children's names are placed on a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Incl. GL-37.
GHL

Commissioner.

Cherokee
M M 104

Muskogee, Indian Territory, January 26, 1907.

W. J. Sullivan,
Attorney for Julia Vann,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 17, 1907, granting the applications for the enrollment of Julia and Ruth Vann as Cherokee Freedmen.

Respectfully,

Incl. GL-38.
GHL

Commissioner.



Cher Fr 1545

Trans. from M. M. 4

Cher Fr 1545

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
JOHN GUNTER,
as a Cherokee Freedman.

CHEROKEE MM 4

(COPY)

Department of the Interior
Commission to the Five Civilized Tribes.
Ft. Gibson, I.T. April 22, 1901

In the matter of the application of Rosa Gunter for the enrollment of herself and seven children as Cherokee Freedmen; she being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name. A. Rosa Gunter.
Q How old are you? A. I can't tell my age exactly.
Q As near as you can come? A. I just couldn't tell it; I have never told it; my mother had it put there.
Q Can you give an idea about how old you are-- are you 30, 35, or 40? A. I guess I am along in 40.
Q What is your postoffice? A. Illinois.
Q That is your district is it? A. Yes sir.
Q What is your postoffice? A. Vian.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q You want to enroll anybody besides yourself? A. Yes sir.
Q Who is it you want to enroll? A. Children.
Q How many? A. Six children; I have the names here.
Q You want to enroll yourself then and six children? A. Yes sir.
Q How long have you lived in the Cherokee nation? A. I have been here all my days.
Q Give me the name of your father. A. Jesse Roach.
Q Is your father dead? A. Yes sir.
Q How long has he been dead? A. He's been dead something about as near as I can remember about nine years.
Q Give me the name of your mother. A. Patsy Roach.
Q Is your mother dead? A. Yes sir.
Q How long has she been dead? A. Something about eight.
Q You have been married have you? A. Yes sir.
Q How many times have you been married? A. Once.
Q To whom were you married? A. John Gunter.
Q Is he dead? A. No sir, he's living.
Q When did you marry John Gunter; how far back? A. I's been about nine years ago.
Q Are you and he still living together? A. Yes sir.
Q He doesn't claim to be a Cherokee Freedman, does he? A. No sir.
Q Did he get out a Cherokee license when he married you? A. No sir.
Q Now, give me the names of your six children? A. Its correct on there. (Hands list to Commissioner)
Q The oldest one is named Fannie, is that right? A. Yes sir.
Q Fannie is 16 years old? A. Yes, sir.
Q The next one is named Alice? A. Yes sir.
Q She's 13 years old, is that right? A. Yes sir.
Q The next one is Julie? A. Yes sir.
Q She's 9 years old? A. Its a boy.
Q That boy is 11 years old? A. Yes sir.
Q Rosanna the next one? A. Yes sir.
Q She's 9 years old? A. Yes sir.
Q Then comes Jessie, is that right? A. Its a boy.
Q Jesse is 7 years old? A. Yes sir.
Q Then comes John, he's six years old, is that right? A. Yes sir.
Q Then comes Richard, he's one year old? A. Yes sir.
Q Are these children all alive now? A. Yes sir.
Q You have seven children here, you said you had six-Fannie, Alice, Tuxie, Rosanna, Jesse, John and Richard? A. Yes sir.
Q Who is there here who knows you and your husband John Gunter are living together, anybody? A. Yes sir.

SAM VANN, bein sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name. A. Sam Vann
 Q How old are you? A. I don't know, sir; I am between 38 and 39
 Q What is your postoffice? A. Vian
 Q How long have you lived in the Cherokee nation? A. All my life.
 Q You know this woman here? A. I know her when I see her. I pass by the house every time I go to town?
 Q She's married? A. Yes sir.
 Q What is her husband's name? A. John Gunter
 Q And she's known as the wife of John Gunter? A. Yes sir
 Q Did you know her before she lived with John Gunter? A. No sir, I didn't know her

DANIEL ROACH, bein sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name. A. Daniel Roach
 Q How old are you? A. About 75
 Q What is your postoffice? A. Braggs
 Q How long have you lived in the Cherokee Nation? A. All my life
 Q You know this woman here? A. Yes sir
 Q What kin is she to you? A. She used to be a stepdaughter of mine
 Q What was her name when she was a child? A. Rose Roach
 Q What was her father's name? A. Jesse Roach
 Q And her mother? A. Patsy Roach
 Q This woman here I named Rose or Rosa? A. Yes sir
 Q And this woman has been married? A. Yes sir, married John Gunter
 Q Was she ever married except to John Gunter? A. No sir, not married she had children.
 Q Were those understood to be John Gunter's children she is talkin' about no? A. Yes sir
 Q Are they John Gunter's children? A. Yes sir.
 Q So she and John Gunter had children before they were regularly married? A. I think they did
 Q She was never recognized as being ever married except to John Gunter? A. That's all
 Q What is your wife's name? A. Patsy
 Q Did this girl ever live with you? A. Well, yes, sir, she lived with me and Patsy, I got children by this woman; she lived in the house with me and my wife.
 Q Did this woman ever pass as your wife? A. No sir
 Q You say you have children by this woman? A. Yes sir, she didn't pass as my wife, but her mother did pass as my wife.
 Q This isn't your child? A. No sir
 Q Your stepchild? A. It is Jesse Roach's child
 Q What kin is Jesse Roach to you? A. None at all; one man owned us both.
 Q Just what way? A. Yes sir
 Q Was Patsy Roach living with you in 1860? A. Yes sir
 Q Well, now, in 1860, there is a Rosa Roach put down on the roll as your wife and Patsy is put down in your family- could this be the same Patsy Roach who was in '80? A. No sir.
 Q She's not as your wife on your family? A. Yes sir, of the family.
 Q This woman here lived with you then? A. Yes sir.

The 1880 census listed roll of the Freedmen of the Cherokee Nation examined by the name of the applicant is 574, No. 122, and Roach, Illinois District
 The 1896 census roll of the Freedmen of the Cherokee Nation examined by the name of the applicant is not found.

Commissioner of Applicant:

Q They weren't on the roll in 1896, the 1896 census roll- you don't know if you can look it up or vice versa do?
 A I can't to have that settled on it.
 Q Did you do Cherokee strip money? A. Yes sir.

3 R.G.

DANIEL ROACH recalled-

- Q Has this woman lived in the Cherokee Nation all her life?
A Yes sir, now or else.

The Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 95, No. 2383, Rosa Gunter, or Hoken, Illinois District

Applicant further testified-

- Q Have you got any other children except these seven you name here? A. I have got one that is married living within a mile of me.
Q That is all you have? A. Yes sir; Man is married
Q You give all these children the name of Gunter? A. Yes sir

Daniel Roach recalled-

- Q How many have you got that you claim to have by this woman?
A Well, I have got about a half dozen
Q This woman's children? A. Yes sir, I got three boys--I got about six

Applicant further testified-

- Q You told me that you have never given birth to any children but these seven and one other? A. I never been married but once
Q I didn't ask you how many times you have been married- how many children are you the mother of, how many children have been born to you, have you had six children by him?
A I have been the mother of 16 children.
Q What I am particularly determined about is whether you have any children that you ought to apply for that you haven't applied for no? A. No sir, those children I want to apply for now is Gunter's children.
Q You left out one, live? A. I made it through mistake
Q The other children have been applied for? A. Yes sir
Q I am talking about the other ones, are they not on this list?
A Yes sir.

Daniel Roach recalled-

- Q Then those children named that have been born to her were no children of yours? A. No sir
Q How many of these seven children were, were or are the living children are? A. Yes sir.
Q You applied for all of them except one that is married?
A Yes sir
Q How many of them are married? A. Yes sir

The Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the names of the four other children are found on the following pages:

- Page 95, No. 2386, Annie Hoken, Illinois District
Page 95, No. 2386, Alice Hoken, Illinois District
Page 95 No. 2387, Tuxie Roach, Illinois District
Page 95, No. 2388, Hoken Roach, Illinois District.

Commissioner of Applicant-

- Q How many children Jesse has, are they living with you?
A There are two Jesse's living with me. My oldest boy is named Jesse. He is married? A. Yes sir, he is married.
Q How many of these children are named Jesse? A. Yes sir, Aunt Crossland named her Jesse.
Q How many of these children are named Jesse? A. No, sir, I don't know whether I applied for any of them.

The Kerns Clifton Roll of the freedmen of the Cherokee Nation examined and the three younger children are not found of record thereon.

The applicant applies for the enrollment of herself and seven children; she is identified on the roll of 1860 and on the Kerns Clifton roll; she is known to have lived in the Cherokee Nation all her life; her change of name arising from marriage is explained in a satisfactory manner by her own and other personal testimony; she will now be listed for enrollment as Cherokee Freedman. Of the seven children applied for, Fannie, Alice, Tuxie and Rosanna, are identified on the Kerns Clifton Roll under the name of Coach, which was the applicant's maiden name. Their proper name, however is Gunter, which is the appropriate name for these children, and she states is the appropriate name for these children. They are all living and will be listed for enrollment under the name of Gunter as Cherokee Freedmen; she is indefinite in matters of date and age, and it is probably that she is in error as to the age of the next two children, Jesse and John, the doubtless being too young to be upon a roll; when she supplies the Commission with certificates of their births, these children and also the youngest child, Richard, now one year of age, will be listed for enrollment as Cherokee Freedmen. This provides for the listing of enrollment of the applicant and the seven children named in the testimony.

The undersigned, being duly sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) W. G. ROSENBERGER

Subscribed and sworn to before me this 13rd day of April, 1901

(Signed) T. E. NATHAN
Commissioner

Lucy M. Bowyer being duly sworn, states that as stenographer to the Commissioner of the Five Civilized Tribes she made the above and foregoing copy and that same is a full, true and correct copy of the original transcript.

Subscribed and sworn to before me this 10th day of February, 1906

Comissioners to the Five Civilized Tribes,
Siting at muskegee I.T.

Rosa Gunters Statement.

The affiant Rosa Gunter being duly sworn states on oath that she is 45
^{years of age} years of age, that she is a resident of the Cherokee Nation where she was
born and raised. That she was a slave at the beginning of the late Civil
war between ~~the~~ the states that she resided in said Nation
at and before the ~~time~~ time of the ratification of the treaty of the United
States and the Cherokee Nation on July 19 1866. and that she has resided
in the Cherokee Nation since that time. and affiant ~~the~~ futher states
that she has continually resided in the Cherokee Nation all of her life
and still resides there. She says that she is and aletce of lands in the
Cherokee Nation as a Cherokee Freedman there of. Affiant further states
that she is lawful inter married with John Gunter who is also a Cherokee
Freedman who was also borned and raised in said Nation and who has lived
there all of his life. that when she alleted her land as such Cherokee
Freedman she also alleted for her five children to wit, . May, fifteen
years of age. Rosana, twelve years. Jessie, eleven years. Jhon, ten years
and Richard four years. And affiant futher states that she was lawfully
and duly enrolled as such Cherokee Freedman at Fort Gibson, I.T. in the
year 1897 and at the time she went to enroll before the authorities of
the United States. at Fort Gibson she then and enrolled for her self and
children aforesaid. And she all so at ~~the~~ the same time applied to the
said authorities, of the United States at Fort Gibson for the enrollment of
her said husband John Gunter, and she beleived in good faith that he had
been enrolled, and that she never knew that her said husband had not been
enrolled as a Cherokee Freedman untill she applied to the Comissioners of
the Five Civilized Tribes. for a card to enter the land office on

Rosa Gunter

Witness
B. H. L. ...
C. H. ...

Application of
John Hunter for
Enrollment as a
Cherokee Indian

FILED
1881 - 1900
COMMISSION TO FIVE TRIBES.

Robt J. ...
...
J. D.

Commissioners to the Five Civilized Tribes.

Sitting at Muskogee, I.T.

The affiant John Gunter states that his Post Office is Vian, I.T. And that he is thirty nine years of age, that he was borned and raised in the Cherokee Nation, that he resided in said Nation at the commencing of the late Civil war between the States, that he is the lawful son of Jeff Gunter who was a slave at the commencement of said Civil war, and that he affiant resided in said Nation at the time, and ever since the treaty between the Cherokee Nation and the United States, of July 19 1866.

John Gunter

*Subscribed & sworn to before me
a notary public within the State of
Oklahoma this 8th day of Dec. 1901
at Muskogee, I.T.
Notary Public
J. W. [unclear]*

e. orandum co. e.

ITAM, T. O. C. I. V. N. B.,
INSIDE THE CIVILIZED TRIBES.
Savoy, Indian Territory, March 7, 1905.

In the latter of the application for the enrollment of
John Gunther as a Cherokee Freedman.

Applicant represented by Neal London.
Cherokee Nation represented by its attorneys, Bell, Hastings &
Lambert.

The applicant, by his attorneys, Neal London, files a
motion for continuance in this case until a decision is rendered
in the Wira Matur case. The same questions are involved in the
two cases.

The attorney for the Cherokee Nation object to a contin-
uance in this case---
First---because the case was set down for trial on this date, and
for the reason that there is no sufficient ground for continuance,
as reported by the attorney for the applicant.
Second---because the motion is not shown to
Third---it is not shown in the motion what facts they expect to
establish in this case, and it is therefore not shown that it is
identical with or has any similarity with the Wira Matur case.

It is shown the Cherokee Nation moved for a continuance
in the Wira Matur case until March 15, 1905, for the reason that
it is very necessary to introduce the testimony of honorable T. J.
Needles, of the Cherokee Nation, in evidence in this case, Col. Needles
having been absent from the city to attend the bedside of his sick
wife.

CO. ITAM---The case of John Gunther will be kept open until March
15, 1905, when the Commission will decide without prejudice.

The undersigned being first duly sworn, stated that as sten-
ographer to the Commission on the Five Civilized Tribes, she
has read the transcript of the above entitled case on the
7th day of March, 1905, and that the above and foregoing is a
full and correct copy of the transcript of the public notes taken on
the above case.

Julia Ann Trauer

Witness my hand and seal this 7th day of March,
1905.

Hayden White

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 20, 1905.

In the matter of the application for the enrollment of
Henry Harris et al. as Cherokee Freedmen, grouping together the
applications of:

Henry Harris et al.,
Elias Vann,
John Gunter,
Tobe Alberty.

Applicants represented by Neal & London.

COMMISSION.

Cherokee Nation represented by W. W. Hastings.

MR. NEAL:

Now, if your honor please, we think that in submitting
one of these cases we submit them all, for the same principals and
questions are involved in them all, and that the decision in one
will apply to all the rest. We desire to hold them all, pending the
decision in the Eliza Tatum case, which is now pending before the
Commission. In these other cases, as in that one, the people had
not applied, and their names do not appear on the 1880 roll.

On the 28th. day of August, 1901 an injunction was issued,
in the case of T. M. Buffington, W. W. Hastings et al. vs. The
Commission to the Five Civilized Tribes, under the terms of which
the Commission was prohibited from hearing the applications for the
enrollment of any Cherokee Freedmen whose names did not appear upon
the roll of 1880. That injunction was in full force and effect
until August 25, 1903, when it was overruled and the bill held to
be without equity.

The applicants had from August 26, 1901 to October 31, 1902
within which to file their applications, by an act of Congress
specially limiting the time within which they should apply to
October 31, 1902. The Commission, from August 26, 1901 until
August 25, 1903, could not hear the applications of these people.
The fact that the Dawes Commission was restrained from hearing
these applications was a matter of record in this entire Cherokee
Nation, and was known to every inhabitant in the Cherokee Nation.
After the bill of injunction was found to be without law, these
people had fourteen months within which to apply to this Commis-
sion. I will introduce the order of injunction as evidence.

That fourteen months went by and ended the statutory limita-
tion. It is purely a question of law, as to whether or not an
injunction without law, which prohibited these people from apply-
ing, would run against those people who had not applied up to that
time.

They have not applied, and they now desire to apply, and it
is a fact that they could not have applied after the issuance of
this injunction until after the dissolution of the same. If the
Commission had received their applications the Commission would
have been in contempt of the United States Court.

They had fourteen months in which to apply, and now, after
the dissolution of that injunction, they desire to apply.

T. W. HASTINGS, Representative of the Cherokee Nation:

"The representative of the Cherokee Nation does not desire to enter into an argument in answer to argument made by counsel for this applicant, but desires to take up each injunction case separately and have the same duly submitted to the Commission; also there may be a different statement of facts to be made in each separate case. For instance: Counsel in the Elizabeth Tatum case attempted to prove, and it was upon that attempt that the Commission decided to take this testimony, that she appeared before the Commission, at Vinita, Indian Territory, to make an application and was refused; and the representative of the Cherokee Nation desires to be heard upon each one of these cases so as to introduce testimony, and desires to hear what each separate applicant has to offer in their own behalf, and desires that each applicant be permitted to appear before the Commission to make an application in person so that they may be fully examined as to all the facts pertaining to their alleged original applications."

FOR W. NEAL, Attorney for applicant, Henry Harris:

"He desires to offer testimony to the effect that Henry Harris made application before the Commission prior to the issuing of the order of injunction upon August 26, 1901; that at the time said injunction was issued, he was, under the law, 18 months within which to go and make a formal application to the New Civilized Tribes, and then introduce proof as to his rights; that said injunction was not dissolved until the expiration of August, 1902, 18 months after the time had expired for his application; Therefore, he desires that Henry Harris be allowed to go and start the Commission with his witnesses and introduce proof of his rights as a Cherokee Indian."

BY T. W. HASTINGS:

"The representatives of the Cherokee Nation desire to move that the applicant at this time be brought before the Commission."

BY FOR W. NEAL:

"Henry Harris is not in town."

BY T. W. HASTINGS:

"Does not the representative of the Cherokee Nation and moves to dismiss the above case because it is not shown that Henry Harris is not before the Commission, and under the ruling of the Commission no application can be made for him without his appearing in person or some good cause shown to refer."

BY THE COMMISSION:

"The cases of Henry Harris, et al., Tobe Alberty, Elizabeth Vann, John Gunter and Richard Vann, set for argument at 6:30 March 21, 1905, before the Chairman of the Commission."

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 8, 1906.

In the matter of the alleged application for the enrollment
of JOHN GUNTER as a Cherokee freedman.

APPEARANCES:

For Applicant, Robert Toomer.

For Cherokee Nation, J. C. Davenport.

JOHN GUNTER, being first duly sworn, testified as follows:

BY MR. TOOMER:

- Q What is your name? A John Gunter.
Q How old are you? A I am 42, that is what my mother said.
Q Where do you live? A Vian.
Q How long have you lived in the Cherokee Nation? A Ever since I
can recollect.
Q Were you born in the Cherokee Nation? A That is what my mother
said.
Q Who is your father? A Jeff Gunter.
Q Was Jeff Gunter the slave of a Cherokee citizen? A Yes sir, that
is what he so said.
Q Do you seek to be enrolled as a Cherokee freedman? A Yes sir.
Q Did you ever make application to the Dawes Commission for enroll-
ment as a citizen of the Cherokee Tribe? A Yes sir.
Q State when and how you made that application? A Well when they
were at Fort Gibson, I sent my wife by there to enroll me, her
and my family.
Q Well then did you ascertain that you had never been enrolled?
When I wrote to the Dawes Commission for my ticket, that was
October 27, 1904.
Q You thought all the time that when they you had been enrolled?
A Yes sir.
Q Well, was your wife enrolled? A Yes sir.
Q And your children? A Yes sir.
Q Will you state the name of your wife? A Yes sir, my wife's name
is Rosa Gunter.
Q The name of your child? A Yes sir, one named Fannie Gunter,
one named Alsie Gunter, Tuxie Gunter, Rosanna Gunter, Tesse
Gunter, John Gunter, and one Richard Gunter.
Q Did you give those names to your wife at the time she went up to
enroll you and your family? A Yes sir.
Q Did your wife become enrolled and all these children? A Yes
sir.

Mr. Toomer: I will submit some correspondence here with the
Department corroborating the good faith of the applicant. I
will submit it to you Mr. Davenport and have it filed with the
evidence in the case.

BY MR. DAVENPORT:

- Q John, you yourself have never made application to the Commission
for enrollment as a Cherokee freedman in person before, have you,
until today? A Yes sir, I am on all of the rolls I guess.
Q I say did you appear in person and make application to the Com-
mission before today? A No sir, not since my wife-----
Q Now your wife and children don't claim their rights through your
right, do they? A No sir.

Your wife was a daughter of a person who was on the 1860 roll, was she not? A Yes sir.

- Q And the children that have been enrolled as you state, claim through their mother as well as through you, have they not? A Yes sir.
- Q You don't know of your own knowledge whether your wife made application for you or not, do you? A No sir, only what she said.
- Q You have never had that looked up as to whether or not the record shows that application was made ~~by you~~ for you or your wife, have you? A No sir.
- Q As a matter of fact you know it must not have been or you would have been enrolled or your application would have been made before the Commission? A Yes sir.

On Behalf of the Commissioner: The Attorney for applicant asks that letters addressed to the applicant by the Commission to the Five Civilized Tribes under date of October 27 and September 12 and September 29, 1904, be filed with and made a part of the record in this case. The same will be filed herewith.

WITNESSES EXCUSED.

ROSE GUNTER, being first duly sworn, testified as follows:

BY MR. TUCKER:

- Q What is your name? A Rose Gunter.
- Q Where do you live? A At Vian.
- Q Are you the wife of John Gunter? A Yes sir.
- Q Are you a Cherokee freedman on the rolls? A Yes sir.
- Q I will ask you if you ever made application to the Commission to the Five Civilized Tribes for the enrollment of yourself and your children as Cherokee citizens? A Yes sir.
- Q Now did you ever make application for the enrollment of John Gunter your husband?

Mr. Davenport: I object to that on the ground that it is incompetent, irrelevant and immaterial, and that if she did make such an application the Commission's record will show it, which is the best evidence.

On Behalf of the Commissioner: The objection of the Attorney for the Cherokee Nation will be noted.

- A Yes sir.
- Q You say you did? A Yes sir.
- Q Where did you make the application? A Fort Gibson.
- Q You were living with John Gunter at the time as his wife? A Yes sir.
- Q When did you find that John Gunter was not on the roll? A When he sent for his filing ticket.
- Q Was that the first that you know of his not being enrolled?
- A Yes sir.
- Q Are you positive that you asked for him to be put on the roll?
- A I am satisfied that I did, I know I done that I aint forgot it.
- Q Was that your business before the Dawes Commission? A Yes sir.

BY MR. DAVENPORT:

- Q The children that you applied for were enrolled were they? A Yes sir.
- Q And what year was it you applied for the enrollment of John there to the Commission? A The year that I enrolled, the same year.

- Q Do you know what year that was? A No sir, I don't remember in that year it was. It was along in the spring when I went up there.
- Q You don't claim your rights as a citizen as a freedman in the Cherokee Nation through the same as John does, do you? A Yes sir, I was raised by him.
- Q You don't claim through the same family relation? A No sir.
- Q He claims through one source and you through another? A Yes sir/ we are no kin.

ON BEHALF OF THE COMMISSIONER:

- Q The application you claim to have made for your husband, John Gunter, was it made at the same time you applied for the enrollment of yourself and children? A Yes sir.
- Q Was that the only application you claim to have ever made for him? A Yes sir.
- Q Was that the only application you have ever heard of made for him? A No sir, that aint the only one.
- Q Where was any other application made? A Fort Gibson.
- Q When? A In the time of the drawing.
- Q I mean to the Dawes Commission? A Yes sir, that is the only one to the Commission.

BY MR. TROTTER:

- Q Did you have your children's ~~names~~ names on a paper when you went up there to enroll them? A Yes sir, on a slip of paper.
- Q Who wrote that? A John Gunter.
- Q How it appears from the record you were asked this question: "Do you want to enroll anybody besides yourself," you said, "Yes sir." "Who is it you want to enroll?" "My children" "How many?" "6 children, I have the names here." "You want to enrolled yourself then and 6 children?" "Yes sir." "When did you marry John Gunter?" "It has been about 7 years ago." "Are you and he still living together?" "Yes sir." "He doesn't claim to be a Cherokee freedman, does he?" "No sir." "Will he get Cherokee license when he married you?" "You, how do you account for that, you seem to have said at that time, if this is correctly reported, that your husband, John Gunter, didn't claim as a citizen?" A I don't remember it, I am honest in it.
- Q At the time you gave these depositions you knew that John had been drawing money as a Cherokee freedman?

Mr. Davenport: I object to that as being incompetent, irrelevant and immaterial, the question not being only whether or not she made an application at that time or whether the records of the Commission are correct.

On Behalf of the Commissioner: Objection noted.

- A Yes sir, I knowed that, I don't remember that question.
- Q Well did you answer that question the way it is here, was that correct or not? They say here, "He doesn't claim to be a Cherokee freedman, does he?" and you said, "No sir," now when you made that answer did you aim to say "No sir?" A I don't remember saying it, if I did I was out of my senses because I know he was a freedman, had drawn with me three times, I must have been out of my senses, I know that.

BY MR. DAVENPORT:

- Q You did apply at the time for 6 children didn't you? At that time I had 7.
- Q All living? A Yes sir.

WITNESSES EXCUSED.

JOHN R. WYFIELD, being first duly sworn, testified as follows:

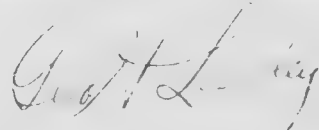
BY R. TOOMEN:

- Q What is your name? A John R. Wyfield.
Q Where do you live? A At Vian.
Q How long have you lived there? A About 12 years.
Q Do you know this man, John Gunter here? A Yes sir.
Q How long have you known him? A I have known him 10 or 15 years.
Q Do you know him to be the man, the John Gunter who is the husband of Rosa Gunter? A Yes sir.

On Behalf of the Commissioner: A copy of the testimony taken in the matter of the application of Rosa Gunter for the enrollment of herself and seven children as Cherokee freedmen will be filed with and made a part of the record in this case.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 9th day of February, 1906.



Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 28, 1906.

In the matter of the application for the enrollment of
JOHN GUNTER as a Cherokee Freedman.

APPEARANCES:

For Applicant, Robert Toomer.
for Cherokee Nation, W. W. Hastings.

JOHN GUNTER, being first duly sworn, by John E. Tidwell, a
Notary Public, testified as follows:

BY MR. TOOMER:

- Q What is your name? A John Gunter.
Q How old are you, if you know? A 42 is what my mother says. (Cm. 1st)
Q Where were you born? A Braggs.
Q Where is Braggs? A Illinois District.
Q Is that in the Cherokee Nation? A Yes sir.
Q What is your father's name? A Jeff Gunter.
Q Was he a slave of a Cherokee citizen? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Are you on any of the rolls, if you know of, of the Cherokee nation
as a Freedman? A Yes sir.
Q Which roll, if you remember? A No sir, I don't know the one, but
I think they called it the Wallace roll and the "Cliff" roll, or
something, but I am on them.
Q Did you ever draw any money as a Cherokee Freedman? A Yes sir.
Q Do you remember how often you drew? A I drew three or four
times.
Q How many children have you now? A Living?
Q Yes? A I have got six.
Q Are they on the rolls? A Yes sir, all the children on the rolls.

ON BEHALF OF THE COMMISSIONER,

- Q How old are you? A 42.
Q You were born since the war of the rebellion? A Yes sir.
Q Was your father a slave? A Yes sir.
Q What was the name of his owner? A George Gunter.
Q Was he a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q Did he own your father at the breaking out of the war? A Yes sir.
Q Was your mother a slave? A Yes sir.
Q What was the name of her owner? A I don't know sir, I don't
know at all, she never did tell me about her owner.
Q Is she living now? A No sir, she is dead.
Q How long has she been dead? A She has been dead about four years.
Q What was your mother's name? A Lizzie, -- Elizabeth.
Q Elizabeth Gunter? A Yes sir.
Q Was that her name when she died? A No sir, Andy Crossland was her
last husband.
Q Did your mother make application for enrollment as a Cherokee
freedman? A No sir.
Q You don't know then whether she was a slave of a Cherokee or not?
A No sir, I don't.
Q You know she never claimed citizenship? A No sir.

- Q How long has your father been dead? A Well sir he has been dead quite awhile, my father died when I was a kid, 11 years old.
- Q Do you remember your father? A Yes sir, I was 11 years old when he died.
- Q Were he and your mother living together when he died? A Yes sir.
- Q Whereabouts did they live? A Here at Braggs.
- Q Cherokee Nation? A Yes sir.
- Q Where were you living when you can first remember? A Braggs.
- Q Where have you lived since that time? A I have been living down there at Vian.
- Q Cherokee nation? A Yes sir, I went from there down to the mouth of Sallisaw Creek after I left Braggs then I moved back three miles south of Vian where I am living now.
- Q Where have you lived all of your life? A Cherokee Nation.
- Q Ever live outside of the Nation? A No sir.
- Q What is your understanding with reference to your father having left the Cherokee Nation during the war? A I couldn't tell you anything about that, him leaving.
- Q You don't know whether he left or not? A No sir, I don't.

WITNESS EXCUSED.

ZEKE BREWER, being first duly sworn by John B. Tidwell, a Notary Public, testified as follows:

BY MR. TOOMER:

- Q What is your name? A Zeke Brewer.
- Q Do you know how old you are? A I don't know exactly my age but as near as I can come at it I am about 102.
- Q Is that all? A I judge it is about that.
- Q How long have you lived in the Cherokee nation? A All my life, never was out.
- Q Areyou a Cherokee freedman? A Yes sir.
- Q Are you on the rolls? A Yes sir, you will find my name on every roll that is made since peace was made.
- Q Who was your owner before the war? A Old man Tom Brewer.
- Q Did you know John Gunter? A Yes sir.
- Q Do you know his father? A Yes sir.
- Q What was his name? A Jeff gunter.
- Q How long have you known John here? A I have known him all the time ever since he was born, we lived right there close together.
- Q Has he been raised in the Cherokee Nation? A Yes sir.
- Q Is this John Gunter (indicating applicant)? A Yes sir.
- Q Was his father a slave of a Cherokee? A Yes sir, old George Gunter was his father's owner.

BY MR. HASTINGS:

- Q Where did you live when the war come up? A Right here on Coody Creek this side of Frozen Rock.
- Q Right here close to Muskogee? A Yes sir, years before this was Muskogee.
- Q Well how far did Jeff Gunter live from you before the war?
- A I was living on Sallisaw before the war, but since the war I was living right there on Greenleaf and they were living about there right where Dr. Maxwell lives.
- Q Well what was Jeff Gunter's wife's name? A I don't remember.
- Q Was she a slave of a Cherokee? A I can't tell you where he got her from, but I know she was his wife.
- Q You never saw her before the war? A No sir, I knowed Jeff Gunter before the war.

- Q You knew him when the war come up? A Yes sir.
- Q How far did you live from him? A About 16 miles from where he lived to where I lived.
- Q How long after the war before you saw this John Gunter's mother?
- A Well I can't tell you exactly how long, I can't tell you no dates or not ing like that.
- Q You don't know how long it was after the war? A I can't tell you exactly how long or nothing.
- Q You don't know how long after the war until you saw John? A He was a little bit of a boy going to school.
- Q Was that the first time you saw him after the war? A No sir, the first time I saw him when this,----his father brought his folks up to the Nation from the south.
- Q Did they go south during the war? A There owners took them south. A nd when he come back they stayed one night at Fort Gibson and then stayed at a place close to Dr. Maxwell's and lived there I guess about 20 years.
- Q What year is this? A I can't tell you exactly.
- Q You don't know one year from another? A I haven't any education at all, not a bit.
- Q You don't know how long after the war it was you saw them come down there? A I can't tell you exactly what year it was.
- Q You don't know who his mother was? A I don't know her name, I knew her when I saw her, just knew her as Jeff Gunter's wife.

W I T N E S S E X C U S E D .

JIM TAYLOR, being first duly sworn, by John E. Tidwell, a Notary Public, testified as follows:

BY MR. TOOMER:

- Q What is your name? A Jim Taylor.
- Q Do you know how old you are Jim? A No sir, I don't know exactly how old I am.
- Q Were you born before the war? A Lord, yes sir.
- Q Are you a Cherokee freedman? A Yes sir.
- Q Who was your master? A Sam Taylor, Judge of the Cherokee Nation.
- Q Do you know John Gunter? A Yes sir.
- Q Is this he (indicating applicant)? A Yes sir.
- Q Did you know his father? A Yes sir.
- Q Do you remember what his given name was? A Gunter.
- Q What name did he go by or do you remember? A Jeff, wasn't it, Jeff Gunter.
- Q That is your recollection? A Yes sir.
- Q How long have you known John here? A Ever since he was a little child.
- Q Has he always lived in the Cherokee Nation? A Yes sir.
- Q What part? A Illinois, I expect you would call it, down about Braggs.

BY MR. HASTINGS:

- Q Did you know John Gunter's mother? A Yes sir, I was acquainted with her.
- Q Was she a slave? A This man's mother?
- Q Yes? A I don't know her, I didn't know her.
- Q Did you ever see her? A Yes sir, I have seen her.
- Q Was she a slave or do you know that? A I don't know sir.
- Q The first time you ever saw John after the war about how old was he? A He was about 3 or 4 years old.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know that man's father, Jeff Gunter? A Yes sir.
- Q Did you know him before the war? A Yes sir.
- Q Was he a slave? A Yes sir.
- Q Who was his owner? A George Gunter.
- Q How far did you live from Jeff Gunter before the war? A I don't know exactly how far it was.
- Q Did you know him when the war broke out? A Yes sir.
- Q Where was he living then? A There at Fort Gibson.
- Q With his owner? A No sir.
- Q Had he been sold or what? A Well he was there in time of the war.
- Q I said when the war broke out? A I couldn't tell you exactly how far he lived.
- Q When the war broke out do you know whether he was a slave? A Yes sir, he was a slave until the war broke out.
- Q I don't mean before that, I mean when the war broke out? A He was a slave before the war.
- Q Did you ever see him after the war? A Yes sir.
- Q When was the first time? A I seen him in time of the war and off and on until the war broke up.
- Q Where was he during the war? A At Fort Gibson, I was there a soldier and he was too.
- Q Was he a soldier? A I don't know.
- Q Do you know whether he left the Cherokee Nation during the war? A I don't know.
- Q When was the first time you saw him in the Cherokee Nation after the war? A Why he was right there at Fort Gibson, where I was a soldier.
- Q When the war ended where was he? A At Fort Gibson.
- Q Did you know him all the time after that time? A Yes sir.
- Q Where did he live? A Down here on Greenleaf close to Fort Gibson.
- Q In the Cherokee Nation? A Yes sir.
- Q Did he live in the Cherokee nation all the time after the war until he died? A Yes sir, as well as I recollect. I didn't go around much but he was always there.
- Q Did you see him from time to time? A Yes sir.
- Q Ever know of him being outside of the Cherokee nation? A Not as I recollect.

BY MR. HASTINGS:

- Q Where did he get this woman? A I don't know that.
- Q Don't you know he went south and got her? A No sir, I don't.
- Q Did you ever know he had this woman during the war? A No sir.
- Q You don't know where this applicant was born? A No sir, I don't exactly where he was born at.
- Q Now after the war,--after peace, when did you first see the woman, this applicant's mother? A, Why when John was a small boy, I saw her down here on Greenleaf right down there close to Armstead Maxwell's.
- Q Now after the war and before you saw him, do you know where his father, Jeff Gunter, was? A No sir, I don't.
- Q Now I mean just after the war closed, say from 1865 on up until you saw the applicant, John Gunter, do you know where Jeff Gunter was? A No sir, I couldn't tell you nothing about where the man was all that time.
- Q About how many years after the war was it when you first saw this applicant John? A It was,---I couldn't tell you that.
- Q Well your best judgment? A Well, I reckon about 3 or 4 years.
- Q Now from the time you went out of the army up until that time you don't know where the applicant or his mother or father was? A No sir.

- Q But when you first saw them they were down there about Braggs in the Cherokee Nation? A Yes sir.
- Q That is what you want to say? A Yes sir.
- Q Now how long did Jeff Gunter live? A I couldn't tell you that.
- Q You don't know when he died? A No sir, I wasn't there, I was in Fort Gibson.
- Q Do you know about how long he lived there? A Not exactly.
- Q About how long has he been dead? A I couldn't tell you that neither, he has been dead a good while, I can tell you ever since John was a small boy.

W I T N E S S E X C U S E D .

JOHN GUNTER RECALLED:

ON BEHALF OF THE COMMISSIONER:

- Q Have you some brothers? A Yes sir.
- Q Name them? A Lewis Gunter, Henry Gunter, and Isaac Gunter.
- Q Are they older or younger than you? A Lewis is older, and Henry and the other two are younger.
- Q They have the same father? A Same father and mother.
- Q Full brothers? A Yes sir.
- Q Were you and they raised in the same family? A Yes sir.

The applicant is identified on the Kern-Clifton roll, Page 120, No. 2956, Illinois District, as John Gunter, 30 years of age. He is also identified on the Wallace Roll, Page 115, No. 2438, Illinois District, 27 years of age.

BY MR. HASTINGS:

- Q How old did you say you were when your father died? A Eleven years old is what my mother said.

On Behalf of the Commissioner:

The applicant's brothers, mentioned in the Testimony, Lewis, Henry and Isaac Gunter are identified on Cherokee Freedmen Cards, Field Nos. 1165, 1213 and 1214 respectively, and their names appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior opposite Nos. 3368, 3417, and 3418 respectively.

The Attorneys for Applicant and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision rendered on the evidence heretofore introduced.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 28th day of September, 1906.

Charles H. Hobbs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Gunter as a Cherokee freedman.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on September 10, and 24, 1904, communications were addressed to the Commission to the Five Civilized Tribes, by John Gunter, whereby he made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 7, and 20, 1905, and on February 8, and September 28, 1906. Testimony taken at Fort Gibson, Indian Territory on April 22, 1901, in the matter of the application for the enrollment of Fosa Gunter, et al., as Cherokee freedmen is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant John Gunter, was born since the commencement of the war of the rebellion and is the son of one Jeff Gunter, and claims the right to enrollment as a Cherokee freedman through him; that the said Jeff Gunter was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that he left the Cherokee Nation during the progress of said rebellion and returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. It is further shown that the said John Gunter is a full brother to Lewis, Henry and Isaac Gunter, who are identified on Cherokee freedmen Cards, Nos. 1165, 1213 and 1214, respectively, and whose names are included in a partial roll of freedmen citizens of the Cherokee Nation approved by the Secretary of the Interior November 16, 1904, opposite Nos. 3313, 3417 and 3418, respectively. The evidence further shows that said applicant was born in the Cherokee Nation and has continuously resided therein since birth, and is identified on the Kern-Clifton and Wallace rolls of Cherokee freedmen.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), John Gunter is entitled to enrollment as a Cherokee freedman and his application for enrollment as such is accordingly granted.


Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 2 1907

Set on the Commission to the
Civilized Tribes at Muskogee, I.T.
In re application of John Gunther et al.
for permission to apply for enrollment
as Choctaw Indians

Wherein the Commission having
comes now John Gunther et al. by
his Counsel Noel & Jordan and moves
that this be continued until for grounds
be stated.

That in as much as the Commission
to the Civilized Tribes has not passed
upon the question of law, as to whether
these applicants for enrollment as Choctaw
Indians, who appeared before the Commission
at the place aforesaid by said Commission
for the receiving of applications, but
refrained from appearing because
of the injunction issued by the Hon.
Joseph H. Ball Judge of the Northern District
of the Indian Territory, restraining the said
Commission from receiving applications
for enrollment of applicants whose
names do not appear upon the 1880 roll
of Indians, and whereas said question
of law is decided adversely to these
applicants unless their application
from consideration and whereas said
question has been submitted to the said
Commission in the case of this matter
set for giving hearing March the 15th 1905
at which time said question of law.

will be decided or as soon as may be in the
said Commission. Can Commission
pass upon the same.

And where ^{it is} such decision is
so rendered this case may be by the
same sitting adversely to the applicants.

Now therefore in justice to the
applicants they pray that this case
be continued to such time as said
decision is rendered and that they
be not compelled to pay the large sum
of money necessary to procure the
attendance of their witnesses at this
time.

Respectfully submitted
Wm & Landon
attys for applicants

367

SEP 13 1904

Carter, John.
/ian, I.f.
Sept, 10, 1904.

Wants ticket.

SEP 12 1904

MAYO & MAYFIELD, DEALERS IN GENERAL MERCHANDISE.

Vian, I. T., Sep 10 1904

Daws Commission
To the Legation of I.T.

To enter the land office on
I am a Sheraton freedoman
The names of my family are
Rosa Ginter Guxey, Roseann,
Jesse, John, Richard and Alice

John Ginter

COMMISSION
SAM DIXON
THOMAS NEEDLE
R. BREWSTER

WM. O'BRIEN

830

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Allotment
F 607

Tahlequah, Indian Territory, September 12, 1904.

John Gunter,
Vian, Indian Territory.

Dear Sir:-

As requested in your letter of September 10, there is enclosed you herewith a ticket of admission to the Cherokee Land Office.

Respectfully,

Enc. B-2
CMB

Chairman.

INDEXED

OCT 27 1964

44293

Want r, doc, ...
with ...
... date.

Wants ticket.

J. H. HUCKLEBERRY JR. PRES. T. J. KEENER, SECY. TREAS. & MGR.

Keener & Wilson Co.

DIRECTORS
J. H. HUCKLEBERRY JR.
W. T. WILSON
W. E. MCCONNELL
J. H. WEST
T. J. KEENER



General Merchandise.

INCORPORATED

611 *Vian. Ind. Ter.*

Please send me my
ticket book on *Highland*
Roll *John Deere*

Vian. Ind. Ter.

6

COMMISSIONER
THOMAS C. NELLE
ROCKWELL

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. M. O'NEILL
Secretary

Tahlequah, Indian Territory, October 27, 1904

John Gunter,

Vian, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter without date asking for a ticket of admission to the Cherokee Land Office.

In reply you are advised that the Commission is unable to identify any application ever having been made to it for your enrollment as a citizen of the Cherokee Nation. If such an application was made, you are requested to indicate to the Commission when, where, under what name and with what family the same was made, and upon receipt of this information a further effort will be made to identify that application and if identified your request for a ticket will receive further attention.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MI

1749

2r

Uman G. Y.
Sept 24-1904

Commission to the Five Civilized Tribes
Tulsa, Oklahoma

I wrote you on or about
the first of this month to know
if my name was on a stright card
as a Cherokee Freedman entitled
to file for myself and on Sept 12
you sent a card to me for my wife
Rosa. I intend to enter the land office
on. She had a card you sent to her
Aug 20. I want you to send me
a card for myself to enter the land
office or advise me if can get in
with her and her card and let me
know if I am on a stright ^{Roll} as a
Cherokee Freedman. I enclosed I enclose
a card you sent her

Very respectfully
J. H. [unclear]

1
COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

1
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Tahlequah, Indian Territory, September 29, 1904.

John Gunter,

Vian, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of September 24 returning ticket of admission No. 12467 sent your wife, Rosa Gunter September 12, and stating that a previous card had been sent her August 25.

Replying to your request for a ticket of admission to the Cherokee Land Office you are advised that that the Commission is unable to identify you under the name of John Gunter upon its records. You are requested to indicate to the Commission when, where and under what name you ever made application for enrollment, and upon receipt of this information a further effort will be made to identify that application and if identified your request for a ticket will receive further consideration.

Respectfully,


Chairman.

Mi

JOR

COPY

Tahlequah, Indian Territory, October 27, 1904

John Gunter,
Vian, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter without date asking for a ticket of admission to the Cherokee Land Office.

In reply you are advised that the Commission is unable to identify any application ever having been made to it for your enrollment as a citizen of the Cherokee Nation. If such an application was made, you are requested to indicate to the Commission when, where, under what name and with what family the same was made, and upon receipt of this information a further effort will be made to identify that application and if identified your request for a ticket will receive further attention.

Respectfully

(Signed) C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MH

Muskogee, Indian Territory, February 9, 1906.

Robert Toomer,

Attorney for John Gunter,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, on February 8, 1906, in the matter of the alleged application for the enrollment of John Gunter as a Cherokee freedman.

Respectfully,

Incl. GL-13.
GHL

Acting Commissioner.

Muskogee, Indian Territory, February 10, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, on February 8, 1906, in the matter of the alleged application for the enrollment of John Gunter as a Cherokee freedman.

Respectfully,

Incl. GJ-19.
GHI.

Acting Commissioner.

Muskogee, Indian Territory, February 12, 1906.

Robert Toomer,

Attorney for John Gunter,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony in the matter of the application of Rosa Gunter for the enrollment of herself and minor children as Cherokee freedmen, same to be filed with and made a part of the record in the matter of the application of John Gunter for enrollment as a Cherokee freedman.

Respectfully,

Incl. 8-13

Acting Commissioner.

Muskogee, Indian Territory, February 1st, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of testimony in the matter of the application of Rosa Gunter for the enrollment of herself and minor children as Cherokee freedmen, same to be filed with and made a part of the record in the matter of the application of John Gunter for enrollment as a Cherokee freedman.

Respectfully,

Incl. 3-24

Acting Commissioner.

Muskogee, Indian Territory, September 5, 1906.

John Gunter,

Vian, Indian Territory.

Dear Sir:

The records of this office show that you appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Cherokee freedman. You are advised that in order to definitely determine your right to enrollment as a Cherokee freedman it will be necessary that further testimony be introduced showing what right, if any, you have to such enrollment.

You are advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 23, 1906, and introduce further testimony in your case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in your case.

Respectfully,

LMC

Commissioner.

MM 4.

Muskogee, Indian Territory, September 5, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of John Gunter for enrollment as a Cherokee freedman, you are advised that said applicant has this day been notified that he will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 28, 1906., and introduce further testimony in his case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, September 5, 1906.

Robert Toomer,

Attorney for John Gunter,

Muskogee, Indian Territory.

Dear Sir:

The records of this office show that John Gunter appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Cherokee freedman. You are advised that in order to definitely determine his right to enrollment as a Cherokee freedman, it will be necessary that further testimony be introduced, showing what right, if any he has to such enrollment.

You are further advised that said applicant has this day been notified that he will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, September 28, 1906, and introduce such testimony as he may desire in his case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

LMC

Commissioner.

Cherokee
F M N 4

Muskogee, Indian Territory, October 2, 1906.

Robert Toomer,

Attorney for John Gunter,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, September 28, 1906, in the matter of the application for the enrollment of John Gunter as a Cherokee Freedman.

Respectfully,

Incl. GL-5.
GHL

Commissioner.

Cherokee
P M M 4

Muskogee, Indian Territory, October 2, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, September 28, 1906, in the matter of the application for the enrollment of John Gunter as a Cherokee Freedman.

Respectfully,

Incl. GJ-6.
GHL

Commissioner.

Cherokee
M M 4

Muskogee, Indian territory, January 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 23, 1907, granting the application for the enrollment of John Gunter as a Cherokee freedman.

Respectfully,

Encl.H-45
JMH

Commissioner.

W. W. HASTINGS,
ATTORNEY.

OFFICE OF

H. M. VANCE,
SECRETARY.

Attorney for the Cherokee Nation,

MUSKOGEE, I. T.

January 23, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, I. T.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling John Gunter as a freedman citizen of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee MM 4
Freedman

Muskogee, Indian Territory, January 24, 1907.

John Gunter,

Vian, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 23, 1907, granting your application for enrollment as a Cherokee freedman.

You will be advised when your name has been placed upon a schedule of freedmen citizens of the Cherokee Nation and approved by the secretary of the Interior.

Respectfully,

Encl. H-5
JMH

Commissioner.

Cherokee F.
MM 4

Muskogee, Indian Territory, January 24, 1907.

Robert Toomer,
Attorney for John Gunter,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 23, 1907, granting the application for the enrollment of John Gunter as a Cherokee freedman. You have heretofore been furnished a copy of the record of proceedings had in the case.

Respectfully,

Encl.H-5 1/2
JMH

Commissioner.

END
OF
ROLL